

**PC SCAN**IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**FILED**

5/28/2019

JN  
THOMAS G. BRUTON  
CLERK, U.S. DISTRICT COURTWilliam D. Riley EL  
Plaintiff

vs.

Salvador Godinez et. al.,  
Defendants.

)  
 ) Case No. 15 CV 11180  
 )  
 ) Honorable Judge John Z. LEE  
 )  
 ) Magistrate Judge Young B. Kim  
 )

PLAINTIFF'S MEMORANDUM OF LAW IN SUPPORT OF  
 HIS RESPONSE TO DEFENDANTS FED. R. CIV. P. 56  
MOTION FOR SUMMARY JUDGMENT

Now comes Plaintiff, William D. Riley EL, pro se, responds to Defendants' Motion for Summary Judgment as follows:

I. FACTS

1. The Plaintiff, William D. Riley-EL, is an inmate at Stateville Correctional Facility ("Stateville"), in the custody and control of the Illinois Department of Corrections ("IDOC"). Plaintiff has brought this lawsuit pursuant to 42 U.S.C. § 1983 alleging three counts of retaliation, in violation of his First Amendment rights, against thirteen current and former employees of the IDOC. Specifically, Plaintiff contends that Defendants conspired to engage in a pattern and practice of harassment, by issuing bogus disciplinary reports against Plaintiff, in retaliation for filing prior grievances, and lawsuits against the prison administration. SEE EX-1, Pla. Ver. Compl., EX-2 Pla. Depos.

<sup>1</sup> All exhibits references are made to "Defendants' Local Rule 56-1 Statement of Material Facts."

2. Plaintiff was subjected to shakedowns, strip searches, retaliatory transfer, and false disciplinary reports, in retaliation for grievances and lawsuits filed prior to November 7, 2013, and a continuous pattern and practice of harassment and retaliation after November 7, 2013 to 2016, that would have deterred a person of ordinary firmness from exercising his First Amendment rights. SEE Ex #2, Pla. Depos. 86:6-90:22, Ex #1 Pla. Verified Compl. parag. 20-26, Ex. 1-1A, 2-2E, 3-3B, 8-8A, 9-9C.

3. Defendant LEMKE engaged in arbitrary and malicious actions against Plaintiff on or about the date of November 7, 2013, by authorizing the extraction of Plaintiff from cell D-142 by "Orange Crush", and tactical officer Hamilton, who subjected plaintiff to three unconstitutional strip searches shakedowns, a retaliatory transfer on November 7, 2013, for filing grievances and lawsuits against Defendant LEMKE (Warden), and other prison officials. SEE Ex. #2, Pla. Depos. 20:20-23, Ex #1 Pla. Ver. Compl. parag. 20-26, Ex. 1-1A, 2-2E, 3-3B.

4. Defendants LEMKE and McGARVEY engaged in further harassment and retaliation by placing plaintiff on the closed maximum security wing at "Stateville" on or about the 12<sup>th</sup> of November 2013, without a hearing or a investigation or disciplinary infraction being wrote. SEE Ex #2 Pla. Depos. 41:12-13, Ex #1, Pla. Ver. Compl. parag. 20-26, Ex. 1-1A, 2-2E, 3-3B, 8-8A.

5. Defendant SHAW engaged in further harassment and retaliation by writing a trumped up investigation report (11/24/13), then two day later a disciplinary report (11/26/13), after plaintiff wrote a grievance on or about 11/19/13, pertaining to the events that occurred on November 7, 2013, whereby plaintiff placed said grievance on his cell bars for mail pick-up. SEE Ex #2, Pla. Depos. 21:22-24:24, Ex 1. Pla. Ver. Compl. 20-26, Ex. 3-3b.

6. Defendants, Laskey and McGarvey, engaged in further harassment and retaliation against Plaintiff by Authorizing the implementation of the investigation report (11/24/13), and the disciplinary report (11/26/13, whereby the Defendants signed-off on both reports beyond the authorized time frame required by 504.30(f) of the 20 Ill. Admin Code. SEE Ex #1 Pla. Ver. Compl., Ex 1A, 2-2E, 3-3B

7. Defendant, C. Wright, engaged in further harassment and retaliation by Adjudicating a disciplinary report (11/26/13, 12/10/13), that was bogus on its face, and finding Plaintiff guilty of charges, that otherwise wouldn't have been written, but for retaliatory purposes. SEE, Ex #1 Pla. Ver. Compl., Ex L-1A, 2-2E, 3-3B.

8. Defendants, Laskey, McGarvey, and Magana, engaged in further harassment and retaliation by failing to release Plaintiff from punitive isolation/Administrative Detention, once Plaintiff got the disciplinary report expunged, and refused to return Plaintiff's property once the disciplinary report was expunged, so plaintiff was NEVER made whole, because defendants claim that Plaintiff's property was either lost or destroyed by defendants, and Plaintiff did three months of segregation for an unsubstantiated trumped up charge by defendants. SEE Ex #1 Pla. Ver. Compl., Ex 5-5A.

9. Defendants, Shaw, Clements, Laskey, McGarvey, Range, C. Best, Mansfield, and T. Williams, engaged in further harassment and retaliation by issuing ANOTHER disciplinary report on or about the date of JUNE 13, 2014, for conspiracy to STG activity, but Plaintiff was NEVER released from punitive isolation / Administrative Detention. Plaintiff filed NUMEROUS grievances after the first disciplinary report was expunged, which were dated 2/10/14, 3/12/14, 3/12/14, 3/14/14, 3/27/14, 3/27/14, 4/7/14, 4/17/14, 4/24/14, 5/9/14. Defendants continued their course and pattern of harassment by issuing a guilty ruling and giving plaintiff A YEAR ACROSS THE BOARD, meaning A YEAR SEGREGATION, C-Grade, commissary denial, visit restriction. SEE Ex #1 Pla. Ver. Compl. Ex 8-8A, 9-9C, 10-10A, 11-11A, 12-12A, 13-13B, 14-14C, 15-15A, 16-16A, 17-17A, 18-19A.

10. Defendants Shan, Clements, Best, Hesselton, Fredericks, Marshall, engaged in further harassment and retaliation, by issuing another bogus disciplinary report, by finding Plaintiff guilty, and issuing Plaintiff another year across the board, for the disciplinary report dated 10/9/15. See Ex #1 Pla. Ver. Compl. count III

### STANDARD OF REVIEW

11. Summary judgment is proper if "the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment, the opposing party must go beyond the pleadings and "set forth specific facts showing that there is a genuine issue for trial." *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 250, 106 S.Ct. 2505, 91 L.Ed.2d 202 (1986).

12. A genuine issue of material fact exists if "the evidence is such that a reasonable jury could return a verdict for the nonmoving party." *Id.* at 248. The party seeking summary judgment has the burden of establishing the lack of any genuine issue of material fact. *See Celotex Corp. v. Catrett*, 477 U.S. 317, 323, 106 S.Ct. 2548, 91 L.Ed.2d 265 (1986). Summary judgment is proper against "a party who fails to make a showing sufficient to establish the existence of an element essential to that party's case and on which that party will bear the burden of proof at trial." *Id.* at 322. The party opposing summary judgment "must do more than simply show that there is some metaphysical doubt as to the material facts." *Matsushita Elec. Indus. Co., Ltd v. Zenith Radio Corp.*, 475 U.S. 574, 586, 106 S.Ct. 1348, 89 L.Ed.2d 538, (1986). "The mere existence of a scintilla of evidence in support of the [opposing] position will be insufficient; there must be evidence on which the jury could reasonably find for the [opposing party]." *Anderson*, 447 U.S. at 252.

### ANALYSIS

13. To establish a prima facie case of retaliation, an inmate must produce evidence that a protected activity was "at least a motivating factor" in retaliatory action taken against him, i.e., action that would likely deter protected activity in the

future." *Mayes v. Springborn*, 719 F.3d 631, 635 (7<sup>th</sup> Cir. 2013) (quoting *Mayes v. Springborn*, 575 F.3d 643, 650 (7<sup>th</sup> Cir. 2009)). That is, he must show three things: (1) that he engaged in constitutionally protected speech; (2) that he suffered a deprivation likely to deter future protected speech; and (3) that his protected speech was at least a motivating factor in the defendants' actions. *SEE Gomez v. Randle*, 680 F.3d 859, 866 (7<sup>th</sup> Cir. 2012). *SEE ALSO Antoine v. Ramos*, 497 F. App'x 631, 633 (7<sup>th</sup> Cir. 2012) (citing *Kidwell v. Eisenhauer*, 679 F.3d 957, 965 (7<sup>th</sup> Cir. 2012)). If the inmate satisfies these elements, the burden shifts to the defendants, who must rebut the causal inference with evidence showing that they would have taken the same action even without any retaliatory motive. *Mayes*, 719 F.3d at 635; *Antoine*, 497 F. App'x. at 633; *Mayes*, 575 F.3d at 650.

14. The defendants cannot be found liable if they would have conducted the shakedown no matter what. *Antoine*, 497 F. App'x at 634. Thus, "if the defendants produce evidence that they would have taken action against Plaintiff even in the absence of his speech, Plaintiff would also have to show that those reasons were pretextual." *Sherriinger-El v. Cook County Sheriff's Dept.*, 602 F.3d 852, 861 (7<sup>th</sup> Cir. 2010). "At the summary judgment stage, this means a plaintiff must produce evidence upon which a rational factfinder could infer that the defendants' proffered reason is a lie." *Zellner v. Hamrick*, 639 F.3d 371, 379 (7<sup>th</sup> Cir. 2011); *SEE ALSO Valentine v. Vill. of S. Chi. Heights*, 575 F.3d 644, 670 (7<sup>th</sup> Cir. 2009) ("The plaintiff may still reach trial by producing sufficient evidence to allow a reasonable fact finder to determine that the defendants' reasons were merely a pretext for the adverse action, at least in part, for exercising his First Amendment rights").

## ARGUMENT

15. The First Amendment forbids prison officials from retaliating against prisoners for exercising the right of free speech. *Farrow v. West*, 320 F.3d 1235, 1248 (11<sup>th</sup> Cir. 2003); *Accord. Crawford-El v. Britton*, 523 U.S. 574, 588 n.16, 118 S.Ct. 1584 (1998) ("The reason why such retaliation offends the Constitution is that it threatens to inhibit exercise of the protected right."); *Hoskin v. Lenehan*, 395 F.3d 372, 375

(7<sup>th</sup>Cir. 2005) (per curiam) ("Prisoners are entitled to utilize available grievance procedures without threat of retaliation..."); Scott v. Coughlin, 344 F.3d 222, 287-88 (2d Cir. 2003) ("... [Plaintiffs] involvement in filing claims against prison officials and helping others do so was protected activity, as it was an exercise of his right to petition the government for redress of grievances under the First Amendment.")

16. It is also unconstitutional to retaliate against prisoners for exercising the right of access to courts. Prison officials may not retaliate against prisoners for using the courts or trying to do so. (The protected act of trying to gain court access should include whatever actions a prisoner needs to take in order to get his claim into court. In Siggers-EL v. Barlow, 412 F.3d 693 (6<sup>th</sup>Cir. 2005), a prison employee refused to process a disbursement the plaintiff needed in order to retain a lawyer to file a court action; the prisoner went over the employee's head to his supervisor, and suffered retaliation as a result. The court rejected defendants' claim that going to a higher official was not constitutionally protected holding that it was "part of his attempt to access the courts." 412 F.3d at 699. Whatever the form of the retaliation. (DeTomass v. McGinnis, 970 F.2d 211, 214 (7<sup>th</sup>Cir. 1992) ("Whether the retaliation takes the form of property or privileges does not matter") (dictum)).

17. In the instant case, Plaintiff wrote grievances on or about the date of 6/5/13, complaining of Staff Conduct, Dietary, Medical Treatment, ADA Disability Accommodation, and Therapeutic Diet, to Warden LEMKE, who responded by denying said emergency grievance on 6/25/13. On 6/15/13 Plaintiff filed ANOTHER grievance pertaining to Staff Conduct, Medical Treatment directly to counselor Bishop, on 7/14/13 Plaintiff filed AN EMERGENCY grievance directly to Warden LEMKE again pertaining to Staff Conduct, Medical Treatment, and Dietary, Warden LEMKE responded on 7/19/13 by denying the grievance. On 7/31/13 Plaintiff filed another directly to counselor Bishop who received the grievance on 8/9/13, pertaining to Staff Conduct, and ADA Disability Accommodation. On 9/10/13 Plaintiff filed AN EMERGENCY grievance directly to Warden LEMKE, who received it on 10/1/13, which pertained to Staff Conduct, and Medical Treatment. THESE GRIEVANCES WERE USED TO FILE LAWSUITS IN FEDERAL COURT, IN LATE SEPTEMBER OR EARLY OCTOBER.<sup>203</sup> (13CV5768, 13CV5771, 13CV5773) (13CV8656)

18. On or about the date of November 4<sup>th</sup> or 5<sup>th</sup> of 2013, Plaintiff had a brief conversation with Warden Lemke in D-House, at Plaintiff's cell assignment "D-142", whereby Plaintiff asked Warden Lemke about an extra mattress, which Plaintiff was entitled to, because it was medically prescribed by the Medical Director, back in July of 2013, but Plaintiff hadn't received it yet, and was suffering severe back pain daily, and Plaintiff explained this to Warden Lemke. Warden Lemke asked for Plaintiff's name and number, put it in his phone and stated "let me check on them, we have some on order."

P. Warden Lemke and his staff, both Assistant Wardens were in D-House, because about four or five inmates had gotten shot in the dining hall at lunch time on this day, and they were checking on the inmates in D-House. Plaintiff was talking to one of the individuals who got shot and was giving his sound legal advice on what he should do moving forward, and Ms. Williams overheard Plaintiff and ran from her desk at the door, to the Sgt. Office, and told the Lt. and Sgt. what Plaintiff was saying. Two or three days later Plaintiff was being extracted from his cell assignment by a tactical response team, and stripped <sup>stripped</sup> searched three times before being transferred to another <sup>Prison</sup> without ANY of Plaintiff's property, which happened on November 7, 2013, the first act of harassment and retaliation against Plaintiff. (With regard to Plaintiff's Allegations of retaliation, an act in retaliation for the exercise of a constitutionally protected right violates the Constitution. SEE Mt. Healthy City Sch. Dist. Bd. of Educ. v. Doyle, 429 U.S. 274, 283-84, 97 S.Ct. 568, 50 L.Ed.2d 471 (1977); Motzker v. Herr, 748 F.2d 1142, 1150 (7th Cir. 1984), limited on other grounds, Salazar v. City of Chicago, 940 F.2d 233, 248-41 (7th Cir. 1991).

20. Prisoners have a constitutional right of access to the courts that, by necessity, includes the right to pursue the administrative remedies that must be exhausted before a prisoner can seek relief in court. SEE Preiser, 411 U.S. at 493, 93 S.Ct. 1827. Thus, a prison official may not retaliate against a prisoner because that prisoner filed a grievance. SEE Babcock, 102 F.3d at 274-75; Black, 22 F.3d at 1402-03; SEE ALSO Higginson, 83 F.3d at 810 (retaliation for filing lawsuits); Murphy v. LANE, 833 F.2d 106, 108-09 (7th Cir. 1987). This is so, EVEN IF THE ADVERSE ACTION DOES NOT INDEPENDENTLY VIOLATE THE CONSTITUTION. SEE Babcock, 102 F.3d at 275.

21. "To state a cause of action for retaliatory treatment, a complaint need only allege a chronology of events from which retaliation may be inferred." *Block*, 22 F.3d at 1577. A strip-search in jail or prison can be cruel and unusual punishment. See *Mays v. Springborn*, 575 F.3d 643, 649 (7<sup>th</sup> Cir. 2009); *Peckham v. Wisconsin Dept. of Corrections*, 147 F.3d 694, 697 (7<sup>th</sup> Cir. 1998). A prisoner states a claim under the Eighth Amendment when he plausibly alleges that the strip-search, in question was motivated by a desire to harass or humiliate rather than by a legitimate justification, such as the need for order and security in prisons. See *Calhoun v. De Tella*, 319 F.3d 936, 939 (7<sup>th</sup> Cir. 2003); *Herrnwehner v. Faulkner*, 821 F.2d 408, 418 (7<sup>th</sup> Cir. 1987); SEE also *Hudson v. Palmer*, 468 U.S. 517, 530, 104 S.Ct. 3194, 82 L.Ed.2d 393 (1984) (Eighth Amendment protects against "calculated harassment unrelated to prison needs"). EVEN WHERE PRISON AUTHORITIES ARE ABLE TO IDENTIFY A VALID CORRECTIONAL JUSTIFICATION FOR THE SEARCH, IT MAY STILL VIOLATE THE EIGHTH AMENDMENT IF "CONDUCTED IN A HARASSING MANNER INTENDED TO HUMILIATE AND CAUSE PSYCHOLOGICAL PAIN." *Mays*, 575 F.3d at 649. In short, where there is no legitimate reason for the challenged strip-search or the manner in which it was conducted, the search may "INVOLVE THE UNNECESSARY AND WANTON INFILCTION OF PAIN" in violation of the Eighth Amendment. *Rhodes v. Chapman*, 452 U.S. 337, 346, 101 S.Ct. 2392, 69 L.Ed.2d 59 (1981), quoting *Gregg v. Georgia*, 428 U.S. 153, 173, 96 S.Ct. 2799, 49 L.Ed.2d 837 (1976).

22. ON NOVEMBER 7, 2013, Plaintiff was subjected to a cell extraction at 7AM, whereby, tactical officer ran through D-House (Unit Delta), where Plaintiff was assigned. THREE TACTICAL OFFICERS STOOD IN FRONT OF CELL ASSIGNMENT "D-142", AND A "SPECIAL OPERATION RESPONSE TEAM (S.O.R.T) MEMBER CAME AND ASKED PLAINTIFF HIS NAME. ONCE PLAINTIFF WAS IDENTIFIED THE S.O.R.T. TEAM MEMBER GAVE DIRECT ORDERS TO PLAINTIFF AND HIS CELLMATE. THE S.O.R.T. MEMBER TOLD PLAINTIFF TO STRIP AND ORDERED THE CELLMATE TO FACE THE BACK WALL OF THE CELL. THEN PLAINTIFF AND THE CELLMATE SWITCHED AREAS, AND THE CELLMATE WAS STRIPPED. (1<sup>ST</sup> STRIP SEARCH). THEN BOTH INMATES WERE HANDCUFFED AND WALKED TO THE DINNING HALL. PLAINTIFF AMBULATES WITH A CRUTCH SINCE AT LEAST 2006, AND HAS HAD KNEE PROBLEMS SINCE 2008. PLAINTIFF WAS ALSO SUFFERING FROM UNCONTROLLABLE BLOOD PRESSURE (HYPERTENSION), STAGE 4 OR 5 (ESRD), END STAGE RENAL DISEASE, WHEN THESE EVENTS TOOK PLACE.

23. While waiting in the dining hall Plaintiff's name was called, and Plaintiff was ordered, and escorted to a movement room with more inmates and tactical officers. Plaintiff was lined up against a wall with other inmates and told to strip again.

24. The process of the strip search consist of taking all your clothing off in front of everybody, where the tactical officers deliberately inspect the bodies of each prisoner. The search examined each prisoner's head, mouth, genitals, buttocks, legs and toes. Plaintiff asserts that tactical officers ordered each prisoner, at the same time, to "open his mouth, to stick his tongue out, up and down," and "run your fingers through your hair, flop his ears, grab his genitals, pull the foreskin back on your penis, after that, lift up your scrotum, turn around, bend over at the waist, take your hands, spread your buttocks then come back up and lift your right foot and left foot and wiggle your toes."

25. After the strip search process for the second time this morning of November 7, 2013, Plaintiff was ordered and escorted back to the dining hall in handcuffs with his crutch, and sat on the opposite side of the dining hall away from the others, the other twenty or so prisoners that was in the dining hall. After the other prisoners were stripped searched, a tactical officer came and called five names, Plaintiff's name was one of them, we, the five prisoners, were separated to one side of the dining hall, then ordered and escorted back to the movement room again, this time there was five jumpsuits, that's worn when you're being transferred. We were lined up against the wall and ordered to strip again, and put through the same process described above. This was the third time this morning that Plaintiff was put through this strip-search process. Once Plaintiff got to Menard he was strip-searched again for the forth time. A retaliatory transfer. SEE Higgason v. Farley, 83 F.3d 807, 816 (7th Cir. 1996) ("If a prisoner is transferred for exercising his own right of access to the courts, or for assisting other in exercising their right of access, he has a claim under § 1983") SEE ALSO Pratt v. Rowland, 65 F.3d 802, 807 (9th Cir. 1995) ("WE ... hold that the retaliation cause of action... survives Sandin").

26. Mr. Riley EL on November 9, 2013 was transferred back to Stateville prison. Mr. Riley EL was placed in the health care unit infirmary from the 9th of November, to the 12th of November 2013. Mr. Riley EL was placed on the closed maximum security wing in X-House, with nothing but a mattress and the jumpsuit he was wearing. Mr. Riley EL asked about his property that was left in his cell assignment, when he was transferred to Menard prison on the 7th of November. Mr. Riley EL found out later that Major McGarvey ordered personal property officers to label all Mr. Riley EL's property EXCESSIVE, because they Unit Delta staff felt embarrassed because Mr. Riley EL has so much property, that he couldn't have been in cell compliance, so all Mr. Riley EL's property, EXCEPT for his legal material, was confiscated by property, AND labeled EXCESSIVE, but there wasn't a disciplinary report written. And the Adjustment Committee, is the only entity within the 2011 Admin. Code that has the power to make a legitimate decision on the disposition of my property. That didn't happen here, it was totally bypassed and I was given a confiscation, disposition sheet from property with all my property listed on it with three (3) options on it ("authorize to have it destroyed", "mailout on visit", or "file a grievance, but Mr. Riley EL's property was NEVER given back, and eventually was told that his property was either destroyed or lost. Another act of retaliation.

27. On or about November 9, 2013 Mr. Riley EL filed a grievance pertaining to the arbitrary treatment he was put through on November 7, 2013 with the cell extraction, the strip searches, the denial of food and water, the retaliatory transfer, the whereabouts of his property, the labeling of Mr. Riley EL as a gang-leader, and so forth. The grievance was placed in the institutional mail on or about the night of November 9th, 2013 to counselor Healthcare unit, because Mr. Riley didn't know who the counselor was, and the health care staff didn't either. So Mr. Riley EL's grievance eventually landed in the hands of counselor A. Hall on 11/29/13. It either floated around from desk to desk or it sat on counselor A. Hall's desk for twenty days. Mr. Riley EL contends that he didn't receive a investigative report until his grievances were filed. Then two days later after this bogus investigative report (November 24, 2013) by S. Shaw, A disciplinary report was received by plaintiff on November 26, 2013. Mr. Riley EL contends that defendants Shaw, Laskey, McGarvey, and Late who authorized the bogus disciplinary charges conspired with Torri, and Range to attempt to try and fix their mistakes, by rewriting the bogus disciplinary report. Lt. C. Wright heard the bogus disciplinary report where

Mr. Riley EL by reading his written statement, explained that the disciplinary report was beyond the time frame to be served upon a prisoner and % Lt. Wright stated "It all depends on who counting the days." With that statement from % Lt. Wright Mr. Riley EL KNEW HE WASN'T going to beat the disciplinary report EVEN though it was bogus. % Lt. Wright conspired with other defendants to up hold the bogus disciplinary report by finding Mr. Riley EL guilty of said disciplinary report in retaliation for filing a lawsuit against him. (11cv4401) Mr. Riley EL RECEIVED (3) THREE MONTHS SEGREGATION, C-Grade, Commissary denial, visit restriction for the bogus disciplinary report. Mr. Riley EL filed a grievance on or about 1/15/14, grievance #562, which ruled that the 205 charge is not substantiated. The counselor Anna McBEE recommended that the disciplinary report be expunged. Warden Magana concurred the decision on 2/28/14. Mr. Riley EL had a discussion with Warden Magana in late January, early February of 2014 about the disciplinary report. It consisted of ME showing him the ruled book, and the section 504.35(C) of the Admin. Code, whereby it stated that "No investigative or disciplinary report may be served NO MORE than eight <sup>days</sup> upon an adult offender. Once I showed Warden Magana my dates on the disciplinary report he, tried to tell me that, that is not what that MEANS. Warden Magana conspired with the other defendant to keep ME in isolation. Mr. Riley EL was not released from his isolated state, nor was his property returned, defendants held Mr. Riley EL in a isolated state AND ENGAGED IN MORE RETALIATORY ACTS OF CALCULATED HARASSMENT, by refusing to restore Mr. Riley EL back to the position he was in prior to the bogus disciplinary report. On 3/12/14 Mr. Riley EL filed a grievance for "Personal Property, Staff Conduct, Harassment and Retaliation." On 4/24/14, Mr. Riley EL filed another emergency grievance #1313 for "Personal Property, Staff Conduct, Defamation, Harassment and Retaliation. On 5/6/14 Warden Tarry Williams received and responded to it on 5/7/14, denying said grievance. Mr. Riley EL was eventually written another disciplinary report in retaliation for filing grievances, whereby the same information was used from the first disciplinary report in this second disciplinary report for 205, by the same defendants Shaw, Larkay, McGarvey, Range, and Clements. Mr. Riley EL was found guilty, even though he was NEVER RELEASED from isolation, of the disciplinary charges by Adjustment Committee members % Lt. Best, and counselor D. Mansfield. Mr. Riley EL received 1 year segregation, 1 year C-Grade, 1 year Commissary denial, 1 year visit restriction, and transferred to Pontiac prison and placed in North Administrative Detention isolation unit. Mr. Riley EL completed the year and was held at Pontiac prison in Administrative Detention. Mr. Riley EL also

was sick and suffering through the whole ordeal, from hypertension, severe knee pain, back pain (lower), and end stage renal disease (ESRD II), whereby Mr. Riley EL lost 50 lbs of muscle mass and was close to death when his kidneys failed. Mr. Riley EL was sent to UIC in July of 2015, and admitted to receive his first dialysis treatment of three at UIC. Mr. Riley EL was transferred back to Stateville prison once he was released from the hospital straight to Stateville prison. Mr. Riley EL was transferred back to Stateville prison because it is the only maximum security prison in Illinois that provides hemodialysis treatment to prisoners. Mr. Riley EL's legal property that was in his cell at Pontiac prison was packed and shipped to Stateville prison by prison officials. Mr. Riley EL was held in Administrative Detention (A.D.) status at Stateville prison upon his return in July of 2015, even though now, he's a hemodialysis patient and receives treatment (3) three times a week for the rest of my life. In early September of 2015, Mr. Riley EL received a A.D. hearing to determine if it was necessary to continue to hold Mr. Riley EL in isolation. Mr. Riley EL went to the A.D. committee hearing and spoke his truths, which was enough to convince the committee to vote in Mr. Riley EL's favor to release him from A.D. isolation. On or about October 19<sup>th</sup> of 2015, both Internal Affairs and the Intelligence officers came to Mr. Riley EL's cell assignment to shake down his property and cell. % Shaw and % Clements went downstairs to the storage area, where the excess legal boxes are kept. % Shaw and % Clements went through Mr. Riley EL's excess legal boxes/material, and claimed that contraband was found in the nature of STG related material, and wrote Mr. Riley EL another bogus disciplinary report for 205, and Mr. Riley EL was found guilty by % Lt. Best and Jill Hossett of the Adjustment committee, and received 1 year segregation, 1 year C-Grade, 1 year Commissary denial, 1 year visit restriction. Mr. Riley EL contends that defendants actions were a continuous sadistic and malicious pattern, and campaign to harass and retaliate against Mr. Riley EL due to the committee's ruling to release Mr. Riley EL from A.D. isolation. Defendants fabricated the disciplinary report of contraband because Mr. Riley EL's excess legal material was in the custody and control of correctional officers since the time Mr. Riley EL was first placed in isolation since November 7, 2013. Mr. Riley EL contends that on November 7, 2013 Mr. Riley EL had 21 excess legal boxes. Once Mr. Riley EL was transferred to Pontiac prison and his legal material was shaken down Mr. Riley EL only had NINE legal excess boxes, so it would have been impossible for ANY contraband to be in my excess legal boxes, because Pontiac officials went through it piece by piece.

28. The allegations made in Plaintiff's complaint certainly present a chronology from which retaliation can be inferred. Again, Plaintiff's allegations adequately set forth a chronology of events from which retaliation may be inferred. SEE Black, 22 F.3d at 1399. To begin with, the alleged retaliatory actions began almost immediately after Plaintiff filed grievances and lawsuits against Defendants, which suggest a causal relationship. The same is true of Plaintiff's allegation that on several occasions, in the weeks and months after Plaintiff filed grievances, and lawsuits against said defendants, Plaintiff received unjustified disciplinary reports from other staff members, culminating in the incident involving I.A., S.O.R.T, and the arbitrary transfer of Plaintiff to Menard, and confiscation of all Plaintiff's property as excessive.

29. Plaintiff allegations that the Wardens (Lemke, T. Williams, and Magana) failed to REMEDY or PREVENT the illegal actions taken by certain correctional officers / IA, is at bottom, a claim that the Wardens / Directors failed to protect Plaintiff from, and therefore condoned, the malicious campaign of harassment and retaliation he allegedly EXPERIENCED. SEE Gentry v. Duckworth, 65 F.3d 555, 561 (7<sup>th</sup> Cir. 1995); SEE ALSO Bohen v. City of East Chicago, Ind., 799 F.2d 1183, 1187-92 (7<sup>th</sup> Cir. 1986).

30. An official meets the "personal involvement" requirement when "he or she acts or fails to act with deliberate or reckless disregard of plaintiff's constitutional rights, or if the conduct causing the constitutional deprivation occurs at his or her direction or with his or her knowledge and consent." SEE Smith v. Rowe, 761 F.2d 360, 369 (7<sup>th</sup> Cir. 1985) (citations omitted).

31. Plaintiff's contention that the disciplinary tickets was fabricated in retaliation for engaging in protected speech is properly within the scope of a § 1983 suit. Grievings about prison conditions is protected First Amendment activity, GOMEZ v. Randle, 680 F.3d 859, 866 (7<sup>th</sup> Cir. 2012), and Plaintiff argues, that the temporal proximity of his various grievances, and the three lawsuits that were just filed prior to November 7, 2013 raised an inference that his First Amendment activity was a motivating factor for the strip searches,

retaliatory transfer, and placement on a maximum security closed unit in administrative detention, as well as the false disciplinary reports. Plaintiff contends that Defendants actions were based only on his First Amendment activity, because Plaintiff was properly placed at Stateville prison with a medical hold, and appointments to return to UIC Nephrology Clinic in the near future prior to being transferred to the other end of the state, "Menard" prison, where Plaintiff couldn't receive proper medical treatment. This is something that Defendants wouldn't have done anyway, and was a retaliatory act that exposed their true intentions to harass and retaliate against Plaintiff.

32. Plaintiff also argues that "Defendants" - (Stateville Administration, Internal Affairs, Intelligence officers), wrongfully ENGINEERED Plaintiff's punishment by fabricating a series of serious charges, knowing that the falsehood would lead to the Plaintiff's immediate placement in isolation, without any intervening hearing and then land him with 3 months in segregation, then a year segregation, and then again another year in segregation. You cannot be put into administrative segregation solely to punish you for filing a lawsuit. SEE Cleggert v. Pate, 229 F.Supp 818 (N.D. Ill. 1964). Nor can you be transferred to punish you for filing a lawsuit, whether for yourself, or for someone else. Thaddeus-X v. Blatter, 775 F.3d 378 (6<sup>th</sup> Cir. 1997).

33. The Defendants do not dispute these facts on their motion for summary judgment, and we have (7<sup>th</sup> Circuit) held that such temporal proximity between an inmates lawsuit and disciplinary action may serve as circumstantial evidence of retaliation. SEE Flaherty, 713 F.2d at 14; cf. Harris v. Fleming, 839 F.2d 1232, 1238 (7<sup>th</sup> Cir. 1988) (timing of litigation and alleged retaliation may be significant). In addition, Plaintiff alleges in his verified complaint, that must be taken as true, that he was awaiting further employment as a teacher assistant (TA) prior to the events of November 7, 2013, and the Court has determined that evidence of prior good behavior also may be circumstantial evidence of retaliation. SEE Flaherty, 713 F.2d at 13.

34. Plaintiff has presented a narrative of events from which a reasonable jury could infer retaliation. Plaintiff also has offered evidence from which a reasonable fact finder could conclude that plaintiff suffered an adverse action or deprivation. Uncontroverted evidence demonstrates that plaintiff was subjected to shakedowns, strip searches, retaliatory transfer, and false disciplinary reports, and suffered other adverse consequences, kidney failure, as a result. SEE ANTINE, 497 F. Appx at 633.

35. Accepting all his allegations as true, "ONE POSSIBLE INFERENCE" of Plaintiff's complaint, TAMAYO, 526 F.3d at 1081, is that the alleged harassment by numerous prison employees in a variety of ways over a period of several months and years would deter a person of ordinary firmness from exercising his First Amendment rights.

36. Judgment as a matter of law cannot be granted on an issue that turns on witness credibility. SEE Burger v. Int'l Union of Elevator Constructors, Local No. 2, 498 F.3d 750, 753 (7<sup>th</sup> Cir. 2007). There are disputed facts that must be presented to a jury. The credibility of the witnesses, to Plaintiff's and Defendants alleged claims is a question for the trier of fact, and judgment as a matter of law cannot be granted on an issue that requires the court to weigh witness credibility. Hays v. Springborn, 575 F.3d 634, 650 (7<sup>th</sup> Cir. 2009).

WHEREFORE, Plaintiff respectfully request that the Court deny Defendant motion for summary judgment, and grant such other relief this court finds reasonable and just.

5/24/19

Respectfully submitted  
[All Rights Reserved, UCC 1308/1-207]  
William D. Riley EL<sup>TM</sup>  
William D. Riley EL<sup>TM</sup>  
B03069 STA. C.C.  
P.O. Box 112  
Joliet, Illinois [60434-0112]

## Exhibit 2

1	IN THE UNITED STATES DISTRICT COURT	1	INDEX
2	NORTHERN DISTRICT OF ILLINOIS	2	WITNESS
3	EASTERN DIVISION	3	EXAMINATION
4		4	WILLIAM D. RILEY-EL
5	WILLIAM D. RILEY-EL, )	5	By MS. Shannon (Exam)
6	Inmate No. B-03069, )	6	
7	Plaintiff, )	7	
8	vs. ) No. 15 CV 11180	8	
9	SALVADOR GODINEZ, )	9	
10	et al., )	10	EXHIBITS
11	Defendants. )	11	NUMBER
12		12	MARKED FOR ID
13	The deposition of WILLIAM D. RILEY-EL,	13	Exhibit No. 1 99
14	Inmate No. B-03069, called for examination	14	Exhibit No. 2 99
15	pursuant to the Rules of Civil Procedure	15	
16	for the United States District Courts	16	
17	pertaining to the taking of depositions,	17	
18	taken before Dawn C. Evers, a Notary Public	18	
19	within and for the County of Cook and	19	
20	State of Illinois, at 16830 South Broadway	20	
21	Street, Crest Hill, Illinois, on the	21	
22	21st day of September, 2018, at the hour	22	
23	of 11:33 a.m.	23	
24		24	
1		1	
1	APPEARANCES:	1	(whereupon, the witness was duly
2		2	sworn.)
3	MR. WILLIAM D. RILEY-EL	3	
4	Inmate No. B-03069	4	WILLIAM D. RILEY-EL,
5	Stateville Correctional Center	5	having been first duly sworn, was examined and
6	P.O. Box 112	6	testified as follows:
7	Joliet, Illinois 60434	7	
8	Appeared Pro Se;	8	MS. SHANNON: Can you please state
9		9	your name and spell your last name for
10		10	the record?
11	OFFICE OF THE ATTORNEY GENERAL	11	THE WITNESS: William D. Riley-El.
12	BY: MS. COLLEEN M. SHANNON	12	MS. SHANNON: Please spell your last
13	100 west Randolph Street	13	name.
14	13th Floor	14	THE WITNESS: R-i-l-e-y, hyphen, E-l.
15	Chicago, Illinois 60601	15	MS. SHANNON: And can you also state
16	(312) 814-4450	16	your IDOC number?
17	cshannon@atg.state.il.us	17	THE WITNESS: B-03069.
18	Representing the Defendants.	18	MS. SHANNON: Let the record reflect
19		19	that this is the deposition of William D.
20		20	Riley-El taken pursuant to notice and
21		21	the applicable Federal Rules of Civil
22		22	Procedure. It's in the case of
23		23	Riley-El vs. Godinez, et al., Case No.
24		24	15 CV 11180, which is currently pending
2		2	
4		4	



1 in the Northern District of Illinois,  
2 Eastern Division.

3  
4 EXAMINATION

5 BY MS. SHANNON:

6 Q. Sir, my name is Colleen Shannon  
7 and I represent all of the IDOC defendants  
8 that you are suing in this case.

9 A. Okay.

10 Q. Do you understand that your  
11 testimony today would hold the same  
12 weight as if you were testifying in  
13 court?

14 A. Yes.

15 Q. Did you take any medications  
16 this morning?

17 A. Yes.

18 Q. What did you take?

19 A. I took high blood pressure meds.

20 Q. Is that the only thing you took?

21 A. Some Tylenol.

22 Q. What is the Tylenol used to  
23 treat?

24 A. Well, I had a headache. I had

1 Q. More than five?

2 A. I'm not sure of that. It's  
3 about right there. Around there.

4 Q. Between one to five?

5 A. Yes.

6 Q. Was it for lawsuits that you  
7 filed as a plaintiff?

8 A. I believe so, yes.

9 Q. Were they lawsuits filed against  
10 the IDOC?

11 A. In the Medical Department, yes.

12 Q. All right. So all of your  
13 prior depositions were for cases when  
14 you were incarcerated?

15 A. Yes.

16 Q. All right. Do you recall the  
17 nature of any of those cases?

18 A. Condition of confinement and  
19 medical. And medical treatment.

20 Q. Was that one case or two separate  
21 ones?

22 A. It was more than one.

23 Q. So one was conditions and one  
24 was a medical treatment case?

5

7

1 allergies this morning. Allergies at  
2 5:00 something this morning.

3 Q. Would the blood pressure  
4 medicine or the Tylenol affect your  
5 ability to testify today at all?

6 A. Somewhat. They had me drained.

7 Q. Oh, just drained?

8 A. Yeah.

9 Q. But does it affect your memory  
10 in any way?

11 A. Yes. That's why I brought all  
12 the paperwork so I could run through it.

13 Q. Well, do you feel that you're  
14 able to go forward with this deposition  
15 today?

16 A. Yeah, I'm ready.

17 Q. Okay. Have you ever been deposed  
18 before?

19 A. Yes.

20 Q. How many times?

21 A. I'm not sure. I'm not sure  
22 of the number.

23 Q. Was it more than one?

24 A. Yes.

1 A. Or they was combined.

2 Q. All right. Well, let me run  
3 through some quick rules then. If you  
4 don't understand any of the questions  
5 I ask you or you don't hear me, please  
6 let me know and I'll restate it or  
7 rephrase it.

8 A. Okay.

9 Q. But if you answer I'm going  
10 to assume that you understood it, okay?

11 A. Yes.

12 Q. And then please just remember  
13 to give verbal answers so that the  
14 court reporter can take down everything  
15 you're saying, okay?

16 A. Okay.

17 Q. And then we'll try our best  
18 to -- you know wait until I finish  
19 asking the question before you answer  
20 and then I'll wait until you're done  
21 talking before I ask my next question.

22 A. Okay.

23 Q. So that way we are not talking  
24 over each other, okay? All right?

6

8



1 A. Yes.  
2 Q. And then if at any time  
3 you need to take a break just let  
4 me know, okay?  
5 A. Okay.  
6 Q. As long as there's not a  
7 question pending, sir, that's totally  
8 fine. But if there is a question  
9 pending, sir, I'll just have you  
10 answer that and then we can stop,  
11 all right?  
12 A. Yes.  
13 Q. Lastly, I know you have a lot  
14 of documents here in front of you.  
15 A. That's correct.  
16 Q. And I'm sure some was produced  
17 through discovery in this case, but  
18 for the deposition that you are here  
19 for today it's just going to be based  
20 on what you remember. Okay?  
21 A. Okay.  
22 Q. So if I ask you a question  
23 I want to know like what you remember.  
24 And if you don't remember the answer,

1 sit here today what do you remember.  
2 And if you don't remember certain  
3 things, well, just let me know that,  
4 okay?  
5 A. Okay. So the reason I'm  
6 asking is if I got to go specifically  
7 off of my memory -- uhh -- well, my  
8 memory is not that good.  
9 Q. Okay.  
10 A. Just years -- that's just  
11 years of being incarcerated and taking  
12 medication. That's why I have the  
13 paperwork. I wrote it when it was  
14 fresh in my mind. Once it's wrote,  
15 and it's been years since I wrote it  
16 you know, it's impossible for me to  
17 remember everything like that.  
18 Q. Yes, but just try your best,  
19 okay? Because unless something that's  
20 used as an exhibit and handed to you  
21 you're supposed to just testify off  
22 of your memory. It's the same way  
23 that you would do it in court, okay?  
24 So it's just the best that you can

9

11

1 that's fine, you can just tell me  
2 that.  
3 A. Okay.  
4 Q. But it's just -- you know  
5 I can't be like sifting through all  
6 of your documents.  
7 A. Why not?  
8 Q. Because this is just --  
9 A. See, look. The reason why  
10 I'm asking this is because I filed --  
11 I filed numerous grievances. It's  
12 impossible for me to remember every  
13 grievance word for word what I've  
14 stated. So I have to go to the  
15 grievance on them particular dates  
16 to state what they were.  
17 Q. So I do understand that,  
18 but I will be asking you questions  
19 just sort of general. I'm not going  
20 to be quizzing you on like what date  
21 and what was said. You're not required  
22 to like perfectly restate everything  
23 that you said in the past. It's just  
24 purely -- I just want to know as we

1 remember. That's all I'm asking,  
2 okay?  
3 A. Okay. So I can't hand you  
4 exhibits that I got?  
5 Q. No. The way this works is  
6 I ask you questions and then if I  
7 have an exhibit I'll show that to  
8 you and then you could use the  
9 exhibit. Otherwise, it's just based  
10 off of whatever you can remember. And  
11 I'm not asking you to guess. Just if  
12 you can remember that's how you'll  
13 answer, okay?  
14 A. All right.  
15 Q. All right. So did you talk  
16 to anyone to prepare for your deposition  
17 today?  
18 A. No.  
19 Q. Did you review any documents to  
20 prepare for today?  
21 A. No.  
22 Q. And you're currently incarcerated  
23 in the Illinois Department of Corrections,  
24 right?

10

12



1 A. Yes.  
2 Q. Do you recall what your admission  
3 date is?  
4 A. I think April 2nd of 2002.  
5 Q. What is the crime that you're  
6 convicted of?  
7 A. Murder.  
8 Q. What was the sentence that you  
9 received?  
10 A. I got a commuted natural life  
11 sentence.  
12 Q. You don't have a parole date?  
13 A. No.  
14 Q. And you're currently incarcerated  
15 at Stateville Correctional Center?  
16 A. Yes.  
17 Q. What cell house are you living  
18 in right now?  
19 A. C-House.  
20 Q. What's your cell number?  
21 A. C-441.  
22 Q. C-441?  
23 A. Yes.  
24 Q. How long have you been at

1 A. To July.  
2 Q. To 2015?  
3 A. Yeah.  
4 Q. And then when you were at  
5 Stateville the previous time before  
6 Pontiac, sir, what are the dates  
7 that you were there?  
8 A. From '07. November '07.  
9 Q. Through June 2014?  
10 A. Yeah.  
11 Q. Where were you prior to  
12 November of 2007?  
13 A. Month-and-a-half I was at  
14 Pontiac.  
15 Q. And then where were you prior  
16 to that?  
17 A. Stateville.  
18 Q. Was that the first time you  
19 were at Stateville?  
20 A. Yeah.  
21 Q. Was it -- so from 2002?  
22 A. '03. I was in Menard in 2002.  
23 Q. So Menard 2002 to 2003?  
24 A. Yeah, January.

13

15

1 Stateville?  
2 A. I've been back here since '15.  
3 June of '15. July of '15.  
4 Q. Prior to that, sir, what facility  
5 were you at?  
6 A. Pontiac.  
7 Q. How long were you at Pontiac?  
8 A. 13 months.  
9 Q. Where were --  
10 A. That was segregation. That  
11 was segregation. AD, Administrative  
12 Detention. It's for events that  
13 happened in this case right here.  
14 Q. So where were you prior to  
15 Pontiac?  
16 A. I was here at Stateville.  
17 Q. Was that the first time you  
18 were at Stateville?  
19 A. No.  
20 Q. Do you recall the month or  
21 the year that you were at Pontiac for  
22 the 13 months?  
23 A. I think June. June of '14.  
24 Q. June 2014 through --

1 Q. And then Stateville 2003 until  
2 what month?  
3 A. September '07. And I did  
4 -- and I did two days in Menard.  
5 Q. When was that?  
6 A. 11/7 to 11/9 of '13. They  
7 tried to transfer me from Stateville  
8 to Menard and they send me right  
9 back. Another -- well, that was the  
10 retaliatory transfer.  
11 Q. Okay. Did we cover every  
12 facility that you've been at since  
13 2002?  
14 A. Yes.  
15 Q. How long have you been living  
16 in C-House, Cell 441?  
17 A. I believe October of '16.  
18 Q. What cell were you living in  
19 prior to that?  
20 A. I was in X-House. I'm being  
21 held in X-House, PC Unit. A PC Unit.  
22 I was being held over there in seg in  
23 administrative status.  
24 Q. How long were you in X-House?

14

16



1 A. From the time I came back  
2 in '15 until then.  
3 Q. Did you have a cellmate?  
4 A. No.  
5 Q. Did you stay in the same cell  
6 the whole time in X-House?  
7 A. No. No, they bounced me  
8 around on the same little wing. A  
9 wing that had five cells on it and  
10 a shower. They put me in the second  
11 cell first, the third cell, the fourth  
12 cell, and then the fifth cell. They  
13 moved me all the way to the end. They  
14 put me next to the shower.  
15 Q. You never had a cellmate in any  
16 cell?  
17 A. No.  
18 Q. Do you currently have a  
19 cellmate?  
20 A. Yes.  
21 Q. What is his name?  
22 A. I don't know his name.  
23 Q. Do you know his nickname?  
24 A. No.

1 A. Yes.  
2 Q. -- that you received it?  
3 A. Yes.  
4 Q. And you're familiar with  
5 the information contained inside the  
6 Inmate Handbook?  
7 A. Yes.  
8 Q. So the events alleged in  
9 the complaint, the case that you're  
10 here giving your deposition for today,  
11 everything took place at Stateville,  
12 correct?  
13 A. Yes.  
14 Q. Is this the only lawsuit that  
15 you have pending about retaliation claims  
16 at Stateville?  
17 A. Yes. I believe so, yes.  
18 Q. And what's the time period of  
19 the allegations in this lawsuit?  
20 A. I'm saying the grievances --  
21 umm -- 6 months prior to me being  
22 put in AD, that led to me being put  
23 in AD, and all the grievances I filed  
24 prior to them snatching me up in

17

19

1 Q. Do you talk to him?  
2 A. No.  
3 Q. How long has he been your  
4 cellmate?  
5 A. He just got here from Menard.  
6 Q. When did he get there?  
7 A. A couple of months.  
8 Q. Did you have a cellmate prior  
9 to him?  
10 A. Yeah.  
11 Q. Do you know his name?  
12 A. No.  
13 Q. Do you know his nickname?  
14 A. No. I don't really socialize  
15 like that. I think everybody is so  
16 busy.  
17 Q. What?  
18 A. I think everybody is so busy.  
19 In fact with what I just went through.  
20 Q. When you first entered IDOC,  
21 sir, did you receive an Inmate Handbook?  
22 A. Yeah.  
23 Q. Did you have to sign something  
24 acknowledging --

1 11/7/13.  
2 Q. So you're saying this lawsuit  
3 is covering events from 6 months prior  
4 to 11/7/13?  
5 A. Yes.  
6 Q. Through what date?  
7 A. 11. Not 11. '15. '15. When  
8 they wrote me the last ticket they held  
9 me for another year. That's while I was  
10 in X-House. So it would be '15, 11.  
11 Q. November of 2015?  
12 A. Yeah.  
13 Q. Okay.  
14 A. No, October.  
15 Q. Who are the defendants that you  
16 are suing in this case?  
17 A. They're IDOC defendants.  
18 Q. Do you know any of the  
19 individual's names?  
20 A. Warden Lemke and all the  
21 individuals who signed off on the  
22 disciplinary reports. The fabricated  
23 disciplinary reports.  
24 Q. As you sit here today, sir, do

18

20



1 you recall any of their names?  
2 A. Yeah, Lieutenant Best.  
3 Lieutenant Fredricks. Lieutenant --  
4 I mean not Lieutenant. Major Fredricks.  
5 Major Fredricks. Major Marshall.  
6 Major McGarvey. Major Torry (phonetic).  
7 IA Officer Clements. I think there's  
8 a Ms. Jannetta Bennett (phonetic), but  
9 I didn't sue her. She was one of them  
10 officers being sent off. Let's see  
11 who else. There's more. Without having  
12 the tickets, you know, I don't remember  
13 the rest of their names.

14 Q. Okay. That's fine.

15 A. I'm naming them specifically  
16 because they the major. They supposed  
17 to know the rules before they -- like  
18 where they authorize and signoff on  
19 the tickets.

20 Now the first ticket that I  
21 received -- if you don't mind me  
22 stating. The first ticket that I  
23 received it was beyond the timeframe  
24 they authorized anyway. You see what

1 ticket -- the one for 11/7 where it  
2 said I was a gang leader this and  
3 that. It was intentionally done  
4 because they signed off on it beyond  
5 the 8 days when I got the ticket and  
6 I pointed it out.

7 So when they come on the AD wing  
8 where they was holding me, oh, no, this  
9 ain't what that means. I'm clearly  
10 reading it. I read the rules to them  
11 as they were coming to my door to talk  
12 to me when they was doing tours. They  
13 was coming through with the AD committee.  
14 The same major. Even Deputy Director  
15 Gomez. I even talked to him about  
16 it. These individuals just ignored  
17 what I was saying as if I was wrong.  
18 Then once I filed a grievance  
19 and they went to the grievance officer  
20 she immediately threw it out. For the  
21 past years they knew it was arbitrary.  
22 They want to hold me and keep me away  
23 from general population from helping  
24 people do legal work.

21

23

1 I'm saying? Breaking the rules by  
2 any means to make sure they hold  
3 me where they was holding me at.  
4 So the rules state they have  
5 8 days from the time the incident occurred  
6 to serve the ticket. They authorized --  
7 if you look at the ticket they signed  
8 off on the ticket way beyond the 8 days  
9 intentionally.

10 My incident date was 11/7  
11 and they signed off on the ticket  
12 on the -- like 20 something. The  
13 20 something of November. I'm like  
14 wait a minute. It was 11/7 and they  
15 had until the 15th to serve me the  
16 ticket. They signed off on it after  
17 the 15th. Intentionally rolling this  
18 ball down this arbitrary hill. These  
19 majors did this. They what you call  
20 -- umm -- colluded together to do  
21 that.

22 Because the rules state  
23 8 days. If you look at the ticket. You  
24 know the dates on the ticket. The first

1 Q. How do you know that they  
2 knew it was arbitrary?  
3 A. Because the rules. Because  
4 the rules state that no disciplinary  
5 report shall convene no more than  
6 8 days from the commission of the  
7 offense. It's clearly written. It's  
8 clearly written in the 504 section.  
9 It's clearly there. They know this  
10 because they got procedural processes  
11 they give you for due process. They  
12 know this.

13 Q. But how do you know that  
14 they --

15 A. They are required to know.  
16 They are required to know  
17 20 Administrative Code. This is  
18 where I'm quoting this from. This  
19 is not no rule they made up. This  
20 is the rule that's quoted from the  
21 730 Code of Corrections, which is  
22 also -- which is where the  
23 20 Administrative Code -- umm --  
24 Illinois law is promulgated from.

22

24



1 That's what I'm saying they supposed  
2 to know because it's state law.

3 Q. But my question is --  
4 because you said that they knew the  
5 ticket was arbitrary. How do you  
6 know that they knew it was arbitrary?

7 A. Because they supposed to  
8 follow their own rules. IDOC officials  
9 are required to follow their own rules.

10 Q. But what makes the ticket  
11 arbitrary?

12 A. Because they didn't follow  
13 their own rules. They broke their  
14 own rules to give me the ticket. That's  
15 what I'm trying to explain to you. This  
16 place is based off procedures. Everything  
17 is by procedures by law. Now once you  
18 don't follow procedure you breaking the  
19 law.

20 Q. But how do you know what these  
21 individuals knew?

22 A. Because they got multiple  
23 years in IDOC. They not new. They  
24 not cadets. They have multiple years

1 to you. When they did it their  
2 actions was arbitrary. Even though  
3 whatever is going on in their head,  
4 how they was thinking, you know they  
5 supposed to know the rules. They  
6 supposed to follow the rules.

7 Like I'm supposed to follow  
8 rules. If I don't follow rules they  
9 say my actions are arbitrary and they  
10 write me a disciplinary report because  
11 I'm not following their rules. Or  
12 I'm not following the procedures that  
13 they outlined for me to conduct my  
14 character.

15 Q. But you don't know whether  
16 they thought it was a legitimate ticket  
17 or not?

18 A. No, I know specifically because  
19 the rules state this. That a major are  
20 required to -- see, look. Why I keep  
21 bringing up the rules is because this  
22 place is a stickler for rules. The  
23 Department of Corrections, you know,  
24 everything is about rules. If you don't

25

27

1 of experience in filing and writing  
2 tickets knowing what the right  
3 process is and what the wrong process  
4 is. They have years of experience of  
5 this. That's how they became a major.

6 Now majors are required to  
7 make sure everybody up under them  
8 follow all the rules and regulations  
9 of their procedures. That's the whole  
10 key the procedures. That's why they  
11 do the training so they follow the  
12 procedures correctly.

13 Q. Okay.

14 A. If they don't follow the  
15 procedures correctly that means they're  
16 doing it arbitrary. That means they're  
17 not following the law and they doing  
18 what they want to.

19 Q. But you don't know what is going  
20 on inside their head?

21 A. They -- no. No, it's not  
22 their head. Their actions. Their  
23 actions show me that it's arbitrary.  
24 That's what I'm trying to explain

1 follow the rules you are in violation  
2 of the rules. That's why I say that.  
3 That's why I keep bringing up the  
4 fact about the rules.

5 Now they supposed to know the  
6 rules themselves because they are the  
7 enforcement of the rules. That's why  
8 I'm saying they are the enforcement of  
9 the rules. So every inmate that's  
10 around here, or convicted felon, or  
11 offender is required to follow all  
12 the rules that the COs are required  
13 to enforce.

14 So procedural-wise they  
15 supposed to follow all the rules.  
16 They can't just make up rules as  
17 they go. That's why the  
18 20 Administrative Code is set down  
19 from the highest plain. The CO,  
20 which is the -- the chief administrative  
21 officer, and he required to follow  
22 all the rules and enforce them. And,  
23 you know, have the staff follow and  
24 enforce them because it's precedent.

26

28



1 It's setup this way.  
2 It's like paramilitary. It's  
3 not something that they can say, oh, I  
4 didn't know because they supposed to  
5 know. That's the reason why they get  
6 training. They do what they call them  
7 tests. They do -- uhh -- some tests  
8 to see if they know the procedures and  
9 if they don't, you know, they send them  
10 to training.

11 Q. When these majors received  
12 the disciplinary ticket and decided  
13 whether to signoff on it you don't  
14 know what was going on in their heads,  
15 do you?

16 A. No, but I know what the rules  
17 say.

18 Q. Okay. I understand.

19 A. Look. Look, look, 504.

20 Q. We're going to move on.

21 A. It's a hearing investigator.  
22 That's a procedure. That's the major.  
23 It has a procedure that says he supposed  
24 -- what he supposed to do.

1 A. No, not offhand. If you let  
2 me go through the paperwork I could  
3 probably find the names for you.

4 Q. Do you know like what any of  
5 the other cases are about?

6 A. Conditions of confinement. Denial  
7 of medical treatment.

8 Q. And those are currently pending?

9 A. Right. As a matter of fact,  
10 I have a state claim too. I have a  
11 mandate in state court.

12 Q. Do any of those other cases  
13 involve claims for retaliation?

14 A. No.

15 Q. Are you in a gang currently?

16 A. No.

17 Q. Have you ever been in a gang?

18 A. I plead the Fifth on that  
19 one.

20 Q. Are you aware if IDOC records  
21 have you as a documented gang member?

22 A. No, but they can say what they  
23 want to.

24 Q. But have you ever seen on any

29

31

1 Q. There's no -- so for this  
2 deposition -- I'm sorry to cut you  
3 off, but you got to -- there's got  
4 to be a question pending, okay?

5 A. Okay.

6 Q. You can't just like start  
7 talking. You got to just answer the  
8 questions, all right?

9 A. All right. That was part of  
10 the answer.

11 Q. Okay. All right.

12 Do you have any other cases  
13 currently pending against IDOC employees?

14 A. Yes.

15 Q. How many?

16 A. I'm not for sure off of memory.

17 Q. More than five?

18 A. No, not pending.

19 Q. More than one?

20 A. Yeah.

21 Q. Three?

22 A. Maybe.

23 Q. Do you recall the names of any  
24 of them?

1 IDOC records --

2 A. Oh, no.

3 Q. -- a gang affiliation?

4 A. No. They don't show you  
5 that. It's confidential for them. They  
6 don't let you see that type of stuff.  
7 They write you a ticket and then they  
8 accuse you of something.

9 Q. Okay.

10 A. But as far as documentation --  
11 umm -- what they say how they came about  
12 that, no, I've never seen that.

13 Q. Have you ever seen  
14 documentation that says that you're  
15 affiliated with a particular gang?

16 A. You mean like a disciplinary  
17 report?

18 Q. Anything.

19 A. Yeah.

20 Q. What gang do they say that  
21 you're affiliated with?

22 A. They gave me a disciplinary  
23 report.

24 Q. What gang do they say you're

30

32

1 affiliated with?  
 2 A. I don't remember. I have to  
 3 look on the ticket.  
 4 Q. Have you been housed in  
 5 segregation at Stateville?  
 6 A. Yes.  
 7 Q. How many times?  
 8 A. Probably like five.  
 9 Q. Do you recall the reasons why  
 10 you were put in segregation?  
 11 A. Most of the time it was  
 12 unauthorized property or something  
 13 like that.  
 14 Q. How long were you held in  
 15 segregation?  
 16 A. The most I was -- probably  
 17 it's because of the AD stuff. Maybe  
 18 three months is the longest.  
 19 Q. So that was prior to 2013?  
 20 A. Yeah.  
 21 Q. And then since 2013, sir, how  
 22 many times have you been in segregation?  
 23 A. They give me two years back to  
 24 back.

1 C-House?  
 2 A. Yes.  
 3 Q. And you haven't been back in  
 4 segregation since?  
 5 A. No, not at all. I don't  
 6 even do seg. That three years they  
 7 got out of me was -- was the first  
 8 time I ever did, but I never -- I'm  
 9 not a seg individual. I don't even  
 10 catch tickets like that.  
 11 Q. Okay. Have you ever been  
 12 disciplined at the IDOC?  
 13 A. Seg is discipline.  
 14 Q. Have you ever been disciplined  
 15 for lying?  
 16 A. No.  
 17 Q. Have you ever been disciplined  
 18 for any other offenses of dishonesty?  
 19 A. Not that I know of. You  
 20 talking about like giving false  
 21 information to an employee, stuff  
 22 like that?  
 23 Q. Yes.  
 24 A. Never.

33

35

1 Q. What years were those?  
 2 A. '14 and '15.  
 3 Q. You were in segregation at  
 4 Stateville from '14 to '15?  
 5 A. No. No, I got transferred  
 6 to Pontiac for a year and 13 months.  
 7 That was -- that was one year. Then  
 8 I came back to Stateville and they  
 9 wrote me another ticket when I came  
 10 back.  
 11 Q. And you did a year in seg  
 12 that time?  
 13 A. Yes, and being held in  
 14 X-House. While F-House is open --  
 15 or X-House is open they put me in  
 16 X-House. They told me I got too  
 17 much influence and they didn't want  
 18 me in F-House. That's before F-House  
 19 got closed. So they put me in  
 20 X-House. They held me on the PC  
 21 wing. Not a PC wing, but a PC kickout  
 22 wing.  
 23 Q. Did you get out of seg in  
 24 October of 2016 when you moved to

1 Q. Okay. I want to go through and  
 2 ask you about some of the defendants that  
 3 you're suing in this case. You mentioned  
 4 Charles Best earlier.  
 5 A. Yes.  
 6 Q. Why is he a defendant in this  
 7 case?  
 8 A. He's a lieutenant. He's a  
 9 lieutenant that found me guilty  
 10 arbitrarily.  
 11 Q. What did he find you guilty  
 12 of?  
 13 A. STG. Erratic organizational  
 14 activity.  
 15 Q. What was the date of that guilty  
 16 finding?  
 17 A. I don't know the date, but  
 18 I know the ticket that he found me  
 19 guilty on. It don't state date, time,  
 20 or place when I committed the offense.  
 21 Q. Do you recall the year of the  
 22 ticket?  
 23 A. That's the one -- that's the  
 24 one in '14.

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1 Q. 2014?  
2 A. 2014.  
3 Q. Okay.  
4 A. That ticket. He the one that  
5 presided over that. As a matter of  
6 fact, this is how they held me for  
7 the ticket. I was in the infirmary.  
8 I just got a fistula in my arm. I'm  
9 bedridden. They wrote me a ticket. They  
10 came to my cell and held the hearing  
11 in my cell. My hospital bed cell. They  
12 held the hearing in there.

13 So now 20 minutes later the  
14 police at the door telling me to pack  
15 it up and I'm being transferred. So  
16 all this was prearranged. Who do  
17 you know get found guilty and then  
18 20 minutes later they say you being  
19 transferred to Pontiac?

20 Q. Did you provide a statement  
21 at that hearing?

22 A. Yes, I did.

23 Q. Was it written or verbal?

24 A. I read my grievance that I

1 rotated.  
2 And, specifically, I got  
3 into an altercation with Best. Because  
4 one day I asked him why he don't  
5 rotate us like everybody else, like  
6 we supposed to. We supposed to be  
7 treated equally, but they wasn't  
8 treating us equally. They only  
9 giving us small yard, no weights,  
10 no phone call, no nothing. They  
11 always keeping us out there in the  
12 freezing cold in the wintertime. No  
13 gym, no nothing.

14 So I asked him, I said why  
15 we not being allowed to go to the  
16 south yard where the weights and  
17 the phones is at? He said, oh, we  
18 got to use that for movement, but  
19 that's on Sunday. But on Saturday  
20 they put the detail yard out there  
21 and they walk through the tunnel.  
22 The line from the tunnel. So I said,  
23 why you can't move the line through  
24 the tunnel like you do on Saturday?

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1 wrote to him and asked him could I  
2 turn it in. He refused to take the  
3 grievance. He refused to take the  
4 grievance, but he let me read it.

5 Q. Why do you believe that  
6 Lieutenant Best retaliated against  
7 you?

8 A. Because Lieutenant -- from  
9 my perspective, right, I got a long  
10 history. I have a long history with  
11 Lieutenant Best. Lieutenant Best  
12 used to be the movement officer for  
13 the facility.

14 In 2010 we had a warden  
15 named Warden Hardy who stated that  
16 individuals with crutches couldn't  
17 go to the yard. I was the individual  
18 who constantly wrote the grievances  
19 up about not being able to go to the  
20 yard and not being treated equally  
21 or fairly by staff. Because when  
22 they was giving us the yard it  
23 was -- they was only giving us the  
24 small yard when everybody else is

1 He told me because we don't want to  
2 and we going to do it that way.  
3 So when I saw the major,  
4 which is Major McGarvey, I asked  
5 why we can't get the rotation like  
6 everybody else. He stated out of  
7 his mouth ain't fittin to let no  
8 inmate tell me how to do my job.  
9 Now this is prior. This is prior  
10 to me going to that hearing. So  
11 he had personal issues with me from  
12 then.

13 Q. But how do you know the hearing  
14 decision was done in retaliation?

15 A. Because I -- I can show you  
16 the ticket. If you read the ticket,  
17 right, the ticket does not state a  
18 time, place, or date when I committed  
19 the offense. It don't state that,  
20 which is required by the procedures.

21 Now that's why I keep saying  
22 that this stuff is retaliation. Because  
23 no matter what I would have said, no  
24 matter what I did, I'm on my hospital

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1 bed and they still found me guilty.  
2 I was in the hospital secluded. I  
3 was in AD already secluded and talking  
4 to nobody and not having no activities  
5 with nobody and they still wrote  
6 me another gang ticket. That's  
7 what I'm trying to explain to you.  
8 This is not something where  
9 I got out of seg and I went and talking  
10 to any more people, and then they  
11 came with another ticket. No. No.  
12 I was in AD from 11/7/13 until  
13 when I got out of seg in '16. They  
14 wrote the ticket in between there when  
15 I was already in AD custody. AD custody  
16 mean that everywhere I go a lieutenant  
17 or a sergeant has to move me. I'm  
18 shackled up moving. I don't -- I  
19 didn't have a cell so I have no  
20 communication with nobody. So if  
21 there are no communication how am  
22 I engaged in gang activity, right?  
23 Q. So was Lieutenant Best aware  
24 of the grievances you were filing prior

1 staff member's word saying what he did  
2 or what staff said to him. That's the  
3 only thing we ever get.

4 Q. Okay.  
5 A. We don't get no personal  
6 conference meeting with them and he  
7 sit down and talk like this. It's  
8 about one staff member said this and  
9 this staff member said that. Blah,  
10 blah, blah, so forth and so forth.  
11 Q. Did you ever send any grievances  
12 directly to Lieutenant Best?

13 A. No, that's not the procedure.  
14 Q. Okay. What about Joshua Clements,  
15 why are you suing him?

16 A. Because he the IA officer. He  
17 the IA officer that cosigned for the other  
18 IA officer as a witness.

19 Q. Why do you believe he retaliated  
20 against you?

21 A. Because -- let me see what  
22 year was it in. In probably like  
23 December '08 or '09 he got beat up.  
24 The rumors was that I had something

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1 to June 2014?  
2 A. Yes.  
3 Q. How do you know?  
4 A. Because when they get your  
5 grievance and it's against one of  
6 them they go ask them about it. When  
7 the counselor investigate and they  
8 give a response they say staff said  
9 blah, blah, blah, blah to your  
10 grievance. The counselor go investigate  
11 and talk to the staff member. They  
12 can't give a response to your grievance  
13 if it's against staff members without  
14 them going to talk to the staff member.

15 Q. Do you know whether your  
16 counselor actually spoke to Lieutenant Best  
17 though?

18 A. The counselor said -- that's  
19 what the counselor stated.

20 Q. Did you see them speaking?

21 A. No. You never see them speaking,  
22 but the counselor gives his response. The  
23 counselor gives a response on the bottom  
24 of the grievance. So that's another

1 to do with it and I had it done, but  
2 it wasn't me. I had nothing to do  
3 with it, but that was the rumor. Ever  
4 since then he's been, I guess, figuring  
5 a way to get me.

6 Q. And Clements is spelled  
7 c-l-e-m-e-n-t-s.

8 A. He was the movement officer  
9 then. I was -- as a matter of fact,  
10 you know, it was in '07 or '08 when  
11 that happened. It had to be between  
12 that time.

13 Q. Okay.

14 A. As a matter of fact, that's  
15 when I got shipped to Pontiac the first  
16 time for the little month-and-a-half.  
17 Because the ticket said possibly alleged  
18 in gang activity. It was an investigation  
19 ticket, but I left for a month-and-a-half  
20 and came back.

21 Q. So what specifically did  
22 Clements do that you believe was done  
23 in retaliation?

24 A. He signed off on the tickets.

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<p>1 The ticket that was wrote that don't    2 state the time, place, or date when    3 I committed the offense.    4 Q. How do you know that it was    5 retaliation by him signing the ticket?    6 A. Because that's his way of    7 trying to get back at me. Because    8 he did it again. He did it twice.    9 He ain't just do it once, but he    10 did it twice.    11 He signed off on the first    12 ticket and then he came back. When    13 I came back and was fittin to get    14 out of seg, or they was going to    15 release me out of AD, and they wrote    16 me another ticket.    17 Q. You are assuming like he was    18 trying to get back at you because you    19 heard the rumors about how he blamed    20 you for the attack?    21 A. No. No, I heard the staff    22 saying it. It wasn't an inmate, but    23 it was staff saying it. The staff.    24 Q. So then you assumed based</p>	<p>1 aware.    2 Q. Okay.    3 A. But the way that the officers    4 is gossiping, you know, that's where he    5 got it from.    6 Q. Okay. What about Theodore Fredricks?    7 Why are you suing him in this    8 case?    9 A. Because he was the movement    10 officer first before Best.    11 Q. The movement officer?    12 A. Yeah, before he became a major    13 he was the movement officer first. He    14 lost his job because he refused to rotate    15 us first.    16 Q. And what did he do that was    17 -- that you believe was in retaliation?    18 A. He signed off. He signed off    19 on the ticket. The timeframe.    20 Q. Was it the ticket from June of    21 2014?    22 A. I'm not sure. It's the one --    23 the first two. It could have been the    24 first ticket.</p>
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<p>1 on that that Clements might be trying    2 to get back at you?    3 A. Yes. But it actually showed    4 me that because -- uhh -- I hadn't broken    5 no rule. I hadn't done nothing.    6 When they come and write me    7 an arbitrary ticket out of the blue.    8 It don't state when I supposed to    9 have committed the offense on there,    10 on the ticket. All it states is the    11 time he said when he discovered the    12 information. And so it's called a    13 confidential source. They stated    14 whatever they stated. It don't    15 state when I supposed to have gave    16 this order, where, when, how. Because    17 it's impossible for him to state that    18 because I was always in AD custody. But    19 guess what, they still found me guilty    20 and gave me a year for it.    21 Q. Do you know whether Clements    22 was aware of these rumors that you were    23 behind the attack on him?    24 A. No. No, I'm not. I'm not</p>	<p>1 Q. And how do you know that him    2 signing this ticket was done in    3 retaliation?    4 A. Because he broke procedure.    5 By him being a major he supposed to    6 know all the procedures and be a    7 safeguard for the procedures. Because    8 if it's not done right he's supposed to    9 tell him to rewrite it.    10 Q. But what was he retaliating    11 against you for?    12 A. The crutch yard. The crutch    13 yard. Because I wrote a lot of people    14 up and got a lot of people reassigned.    15 Q. Did Fredricks know that you    16 were helping people with their crutch    17 yard grievances?    18 A. Yeah, I wrote it up. I told    19 them. They knew I was writing it up.    20 I was filing emergency grievances    21 directly to the warden complaining    22 specifically about Fredricks and about    23 not rotating us. I put his name in    24 the grievance.</p>
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1 Q. How do you know that Fredricks  
2 knew about that grievance though?  
3 A. Because like I said before,  
4 when you file grievances and whatever  
5 staff members you name in the grievance,  
6 the counselor or the grievance officer  
7 has to investigate it.

8 Q. I understand that's the  
9 process.

10 A. That's the only way I know.  
11 Because they -- they follow-up with  
12 what their staff said that from now  
13 on you all will be getting rotated.

14 Q. So you're assuming that  
15 that process was followed and that  
16 Fredricks was informed of the  
17 grievances, but do you know whether  
18 he was actually interviewed by the  
19 counselor?

20 A. All I know is the counselor  
21 said they talk to staff. Talked to  
22 all the staff members involved.

23 Q. What about Jill Hosselton? Why  
24 are you suing that individual?

1 you suing him?

2 A. Oh, he the warden. He signed  
3 off on it. He supposed to do the  
4 appeal for grievances. So when you  
5 appeal to him and you stress on  
6 your -- your due process issues to  
7 him he supposed to do an overview.  
8 He supposed to correct.

9 Q. Did he retaliate against you?  
10 A. I believe so.

11 Q. Why?

12 A. Because when I was in AD. When  
13 I was in AD I used to have arguments with  
14 him.

15 Q. And that was in 2013?

16 A. Yes. When I first got put  
17 in there he's the assistant warden.  
18 He was the assistant warden then  
19 and he used to come around with the  
20 committee. I used to have arguments  
21 with him about them not restraining  
22 their staff from writing me arbitrary  
23 tickets. Like the first ticket.

24 Like I said, I was talking

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1 A. She sat on the  
2 Adjustment Committee. She sat on  
3 the Adjustment Committee for the  
4 last ticket.

5 Q. H-o-s-s-e-l-t-o-n. F-r-e-d-r-i-c-k-s.  
6 Would that have been the  
7 October 2015 ticket?

8 A. Yes.

9 Q. And what did she do that you  
10 believed was in retaliation?

11 A. She cosigned. She cosigned the  
12 ticket.

13 Q. What was she retaliating against  
14 you for?

15 A. I really -- I really don't have  
16 nothing against her.

17 Q. So is she a defendant in  
18 this case based on signing off on  
19 the Adjustment Committee hearing?

20 A. Yeah. Yes.

21 Q. Okay.

22 A. It's called -- uhh -- uhh --  
23 conspiring with the other individuals.

24 Q. Okay. Nicholas Lamb, why are

1 to him at the door and I'm reading  
2 the rules to him. See, there's one  
3 thing I realize. Once I went through  
4 that -- umm -- staff members, correctional  
5 officers, you know don't like an inmate  
6 pointing out when other staff members  
7 have done something wrong or that I'm  
8 trying to tell them how to do their  
9 job. They take that really offensively  
10 and strike back.

11 Q. But when did Lamb do anything  
12 that you believe was in retaliation?

13 A. When I talked to him prior  
14 to my grievance getting to him.

15 Q. When was that?

16 A. When they used to do rounds on  
17 the AD wing in '13.

18 Q. So the last time that Lamb  
19 did anything that you believe was out  
20 of retaliation that was in 2013?

21 A. No. No, no, no. That's  
22 when I first talked to him and gave  
23 him the reason to be retaliatory  
24 towards me.

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1 Q. So then when was he actually  
2 acting out of retaliation towards you?  
3 A. Once he became active. He was  
4 head warden.

5 Q. When was that?

6 A. I believe in '15 when I came  
7 back here.

8 Q. Okay.

9 A. Because the last ticket --  
10 the last ticket he was the acting  
11 warden. And when I grieved that  
12 process to him he just denied me  
13 and gave me no reason, no nothing.

14 Q. So was it his denial of your  
15 grievance that you believe was the  
16 retaliatory act?

17 A. Yeah. Yeah, after my  
18 conversations with him in '13 about  
19 -- the whole thing was this. They  
20 wanted me isolated. Not because I  
21 was a danger, but because of my writ  
22 writing ability helping people file  
23 grievances and lawsuits. That was  
24 the purpose. Nothing about me being

1 people file grievances and do lawsuit  
2 writ writing that was the issue. They  
3 knew that I was a writ writer.

4 Q. So you believed that these  
5 individuals retaliated against you  
6 for helping others with their  
7 grievances?

8 A. Yes.

9 Q. Do you know --

10 A. Filing lawsuits. Me filing  
11 lawsuits.

12 Q. How do you know that any  
13 of the defendants named in this  
14 lawsuit were aware of the grievances  
15 you helped others file?

16 A. Because I was going on writs.  
17 Medical writs. The writ officers would  
18 tell me, yeah, we been hearing about  
19 you. You got a lot of paperwork flowing.  
20 Now they not even in the  
21 institution. They do writs everyday  
22 and they leave. So they take me out  
23 on a writ and while I'm at UIC in the  
24 holding bin at UIC, downstairs where

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1 a gang leader.

2 Because I was just working  
3 in the law library and I was doing  
4 my job. The problem was that I did  
5 my job too good. Because if a person  
6 come to me with a problem and say,  
7 well, how do I resolve this, how  
8 do I resolve it, and I tell them  
9 how they do it and they get results.  
10 That's not gang activity. It's  
11 me showing a person how to enforce  
12 their Constitutional Rights.

13 But for staff members they  
14 like, no, that's a problem. Because  
15 now they're getting overworked, the  
16 counseling staff getting overworked,  
17 and they have to respond to these  
18 Constitutional violations. That's  
19 the real issue here. It has nothing  
20 to do with me being a gang member.

21 Q. Okay.

22 A. Because if I was a gang member  
23 I would have never had the job in the  
24 first place. But my ability to help

1 they hold the inmates at, the officers  
2 is talking like, yeah, we heard about  
3 you Riley. You do a whole lot of  
4 writing. That's how I know for sure  
5 that it's spreading around.

6 Q. Okay.

7 A. Now I can't specifically say  
8 who knows what, but I know that they  
9 talking because these writ officers  
10 not in my cell house or in the  
11 institution. They do writs everyday.  
12 They talk to the people up front I  
13 guess. That's the only thing I can  
14 assume. Because I never wrote up  
15 none of the officers that was on  
16 writs. I never wrote them up.

17 Q. What timeframe was this  
18 when you were talking to the writ  
19 officers?

20 A. In '13. In '13.

21 Q. Why are you suing Kevin Laske  
22 in this case?

23 A. He a major. He was one of the  
24 main ones that signed off on the ticket

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1 too.  
2 Q. What ticket was that?  
3 A. I believe a couple of them.  
4 See the two things with this there's  
5 two majors that signoff on them before  
6 they get processed. It go to the major  
7 first for the major to decide whether  
8 this is going to be a minor or a major,  
9 which is the hearing officer. He the  
10 one who determines whether the ticket  
11 is a major or a minor. He the one  
12 that's supposed to do the safeguard  
13 in the initial process to see if the  
14 ticket will hold muster. That's what  
15 I mean by procedures. Now that's his  
16 job to do that.

17 Now if he -- if he authorize  
18 the ticket and he know it's beyond the  
19 timeframe he'll say skip the procedures,  
20 we going to push this through anyway,  
21 and that's now how this go.

22 Q. But how do you know that that  
23 was done in retaliation?

24 A. Because of who I was. Because

1 Q. So you're assuming he was  
2 aware of them just based on his position  
3 as shift commander?

4 A. No, the shift commander controls  
5 the movement. He the one that assign  
6 the officers to the assignments. Who  
7 going to do this, who going to do that,  
8 who going to do that.

9 So if there's a problem on  
10 his shift where an individual is not  
11 doing their job they would be made  
12 aware of it. Because he the one who  
13 has to correct it.

14 Now he has to correct the  
15 issue because he got a staff member  
16 on his staff who he appointed to be  
17 in that position and they're not doing  
18 their job correctly. He is the one  
19 that has to remove them.

20 Q. But do you know whether he  
21 has actual knowledge of these grievances  
22 that you were writing?

23 A. I'm pretty sure he did.

24 Q. Okay.

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1 of who I was and what my situation was.  
2 I'm the individual that's writing the  
3 grievances.

4 Like I told you in 2010, I'm  
5 the individual that got the warden  
6 to change that policy. They stopped  
7 us from having yard from August to  
8 October, but the only reason why they  
9 did that is because of all the grievances  
10 I filed. I filed a grievance every time  
11 they didn't let me go to yard. They ran  
12 yard two or three times a week. So two  
13 or three times a week I was constantly  
14 writing emergency grievances complaining  
15 about not being able to go to yard.

16 Q. Was Laske aware of those?

17 A. Yes.

18 Q. How do you know?

19 A. Because he was here. He was  
20 shift commander.

21 Q. Did you submit the grievances to  
22 him?

23 A. No. No, no, no, they don't go to  
24 him.

1 A. Because I sent them straight  
2 to the warden and it comes -- and it  
3 comes down here.

4 Q. Well --

5 A. The reason I say that is this.  
6 They made changes. Somebody had to know.  
7 Somebody had to know that these grievances  
8 was taking effect because they changed  
9 the movement officer.

10 Q. Sure, but do you know  
11 specifically as to Laske if he knew  
12 about your grievances?

13 A. I can't -- I can't say that  
14 specifically, but the way this place  
15 is ran it's impossible for him not to  
16 know because they going to take it  
17 to him. Because he's the one who is  
18 appointing the movement officer, this  
19 and that. He does the assignments for  
20 the staff members when they come in  
21 at roll call.

22 Q. Right, but you're making that  
23 assumption though.

24 A. I'm making the assumption

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1 because the procedure and how this  
2 place works. See, it works this way.

3 Q. Okay.

4 A. There won't be no changes  
5 without the major being involved if  
6 he the shift commander. That's why  
7 I'm saying this. The shift commander  
8 runs the ship. He appoints and he  
9 take away positions.

10 Q. What about David Mansfield, why  
11 are you suing him?

12 A. Because he collaborated the  
13 ticket too.

14 Q. He signed off on the ticket?

15 A. Yeah, he did. He part of  
16 the Adjustment Committee with Best.

17 Q. How did he act out of  
18 retaliation?

19 A. He like Jill.

20 Q. So did Mansfield retaliate against  
21 you for anything?

22 A. Not per se. I wrote -- the  
23 collusion with Best, so that's why he  
24 got sued.

1 that.

2 Q. But did Mansfield act out  
3 of retaliation or did he just simply  
4 signoff on the ticket?

5 A. He signed off on the ticket.

6 Q. So he didn't do anything that  
7 was in retaliation towards you?

8 A. No.

9 Q. What about Cherry Marshall, why  
10 are you suing her?

11 A. She a major.

12 Q. What did she do that was retaliatory  
13 towards you?

14 A. The tickets. The tickets.

15 Q. Signed off on the ticket?

16 A. No, she authorized the ticket.

17 She a major. She the hearing investigator.  
18 She didn't follow procedure.

19 Q. C-h-e-r-r-y.

20 M-a-r-s-h-a-l-l.

21 M-a-n-s-f-i-l-d.

22 When Cherry Marshall signed off  
23 on the ticket how do you know that was done  
24 in retaliation?

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1 Q. What about --

2 A. He upholding. He upholding  
3 the actions of Best. Best's actions  
4 are retaliatory and he upholding  
5 them with him instead of speaking  
6 out.

7 Because, like I told you, that  
8 ticket that they wrote me -- well, if  
9 you read it, the June 14th ticket. If  
10 you read it per se all the way through  
11 and ask yourself, well, when did they  
12 say Mr. Riley committed that offense?  
13 They don't state that. All it states  
14 is when they became aware of it and  
15 what the confidential source told  
16 them. That's all the ticket states.  
17 But the confidential source never  
18 states the date I supposed to have  
19 committed it on, these offenses, nor  
20 does the ticket state that. This is  
21 the ticket that Mansfield colluded  
22 with Best when Best found me guilty.  
23 Instead of telling him no, you know,  
24 I don't see where it say he did

1 A. All the stuff I had going on  
2 already. I'm obviously -- look, at  
3 that time right there in '15, right,  
4 I'm the only individual here that  
5 they claiming this here in AD status,  
6 Administrative Detention, out of the  
7 whole penitentiary. The reason why  
8 I'm not in segregation housing units  
9 is because they say I got too much  
10 influence, but the influence ain't  
11 gang activity. The influence is  
12 the writ writing ability.

13 Q. Okay.

14 A. Like do you see the crack on  
15 the wall right there? Do you see the  
16 peeling paint? The way this place  
17 look and this type of stuff I'm writing  
18 up because I got to live here. If that  
19 crack has lead or mold in it it's affecting  
20 me. So all this type of stuff I'm writing  
21 up and that's a problem to staff.

22 Now staff look at me as if  
23 I'm an irritant. All I'm trying to  
24 do is live and raise my life expectancy.

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1 Because at the time I was sick prior to  
2 me going to the allergist. I'm sick.  
3 And, you know, I'm saying that this place  
4 is making me even sicker. It has nothing  
5 to do with me being a gang member. I've  
6 been on a crutch since 2000. I've been  
7 on a crutch at Stateville since 2003.

8 Q. But I'm asking, sir, what  
9 did Cherry Marshall know about the  
10 grievances that you were writing at  
11 Stateville?

12 A. I'm pretty sure she did.

13 Q. How do you know?

14 A. Like I said, the staff was  
15 already gossiping.

16 Q. Was Cherry Marshall gossiping?

17 A. I never heard her gossip.

18 Q. Okay.

19 A. But what I'm saying to you  
20 is they do -- they have meetings. The  
21 majors have meetings and the lieutenants  
22 have meetings. Do you see what I'm  
23 saying? And when stuff is going on  
24 in the institution per se they have

1 I want to try to explain to  
2 you about the -- about my writ writing  
3 ability. I filed three lawsuits in  
4 October of '13. Right after that --  
5 umm -- when he came with the gang leader  
6 stuff. The AD stuff.

7 Q. Did Cherry Marshall know about  
8 these lawsuits you filed?

9 A. I can't say for sure, but I  
10 believe so. They have meetings about  
11 stuff like that.

12 Q. So you're assuming she knew,  
13 but you don't know for sure?

14 A. Yes. Yeah. Because the  
15 reason why I'm suing -- umm -- it's  
16 fair for me to assume because of the  
17 way they signed off on these tickets.  
18 Here's a person who goes from never  
19 catching tickets to they give me  
20 tickets back to back to back to back  
21 and give me years in seg.

22 Now I never did a year. I've  
23 never done a year in seg before in my  
24 life until they did that in '13 to me.

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1 meetings about it.

2 Q. Are you present at the meetings?

3 A. No. No, I was never present,  
4 but I know this for a fact because I've  
5 been here for a long time.

6 Q. So you can't say for sure  
7 whether Cherry Marshall was aware of  
8 any of your grievances?

9 A. Well, if she was doing -- if  
10 she was doing -- uhh -- that continuous  
11 quality -- uhh -- improvement, meaning  
12 in the health care, I could say she was  
13 aware of my grievances. Because I was  
14 also filing medical grievances per se  
15 about my medical treatment. That's how  
16 it all started.

17 Q. Okay.

18 A. I filed medical grievances  
19 first. They was stalling me. So I  
20 filed an emergency grievance. One in  
21 June, one in July, and one in August.  
22 By October I had filed three lawsuits  
23 off of them three grievances. They  
24 wasn't expecting that.

1 I've never been in seg that long. Never.  
2 Most ever been in seg was a month, two,  
3 or three at the most. I've never did a  
4 whole year in seg until they arbitrarily  
5 did that to me right there.

6 Q. Why are you suing Jenny McGarvey?

7 A. Because she was a major too and  
8 she was simply personally involved in the  
9 day-to-day activities of the AD wing. I  
10 talked to her on multiple occasions.

11 Q. What did she do that was done  
12 in retaliation?

13 A. She made sure. She signed one  
14 of the tickets too. She made sure. She  
15 signed off on the first ticket.

16 Q. So the only thing she did  
17 that you're claiming is what's a  
18 retaliatory act was signing off on  
19 the ticket?

20 A. No. No, no, no, no. That  
21 lady -- that lady had some type of  
22 personal agenda with me. Pushing  
23 their agenda.

24 When I was in D-House, Delta House,

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1 in '13 before I even -- well, long before  
2 '13. I was coming down the walk going to  
3 the health care and she was coming toward  
4 us. She was like, I don't know what you're  
5 smiling for. You're lucky you ain't be  
6 shipped with the rest of the homies. I'm  
7 like, what are you talking about? I ain't  
8 done nothing. She said, yeah, you lucky.  
9 You lucky you ain't get shipped.

10 What happened was prior. Prior  
11 to that date. A couple days before that  
12 they round up a bunch of people and  
13 shipped them. She telling me that I'm  
14 lucky I hadn't gotten shipped with them.  
15 I was like, what are you talking about?

16 Prior to the '13, 11/13,  
17 the 11/7 stuff happened. So I was  
18 like why she tripping on me like  
19 that, you know? I didn't know what  
20 it was, but I come to find out. I  
21 come to find out that she had a  
22 specific agenda about me. She wanted  
23 me in AD.

24 Q. Jenny McGarvey, M-c-G-a-r-v-e-y.

1 intentionally went back and told  
2 his staff to rewrite the ticket.  
3 Q. How do you know?  
4 A. Because he told me he did. He  
5 the hearing investigator. The first  
6 ticket. The first ticket they wrote  
7 me it just stated Riley. They told him  
8 no and to go back and rewrite it. He  
9 rewrote it. It was the 11/7 date on it.  
10 Then went to 12/9. That 12/9 ticket  
11 he told them to rewrite it and add  
12 big wheel to it.

13 Q. How do you know that that was  
14 done out of retaliation?

15 A. After I talked to him. I talked  
16 to him at the door and explained. I  
17 asked him about the rules and the  
18 dates. Do you see what I'm saying  
19 and about the timeframe? He like oh,  
20 no, no, no, no. That's not how that  
21 go.

22 Now this is what he said to me,  
23 another individual. Another individual  
24 they're supposed to know the rules and

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1 A. She wasn't hiding nothing. She  
2 told me blankly to my face that this  
3 is what it is. Then she used to come  
4 talk to us on the wing. She was the  
5 major of the wing when they had it at  
6 Stateville, the AD wing.

7 I got another quote stating  
8 that there is no procedures. There's  
9 no rule authorizing them to put us in  
10 AD with the phase stuff and until  
11 you -- and when you all take us to  
12 court we ain't changing that. And I  
13 got affidavits. I got affidavits  
14 from another individual that heard  
15 her state this. State this to me.

16 Q. Why are you suing Michael Range?

17 A. Because he was the hearing  
18 investigator.

19 Q. What did he do that was retaliatory  
20 towards you?

21 A. Well, I talked to him. I  
22 talked to him in '13 about that same  
23 ticket. The same ticket that I got  
24 expunged. I talked to him and he

1 regulations and enforce them and have  
2 staff correct their ticket if there's  
3 any mistakes in it.

4 Now the same individual that  
5 I talked to, because of what he told  
6 me. Well, he told me to my face the  
7 reason they mess with you is because  
8 they feel that you are bullying them  
9 with their own rules. This is what  
10 Range told me out of his mouth and  
11 to my face. He specifically told me  
12 this.

13 So he telling me because of  
14 my intellectual -- my intellectual  
15 thinking and prowess. That's the problem  
16 they have with me is because I'm getting  
17 out of all of the twists and turns they  
18 try to put me in.

19 Like grievance process. If you  
20 file a grievance they'll make you wait a  
21 year before they answer you. So what I  
22 started doing was filing an emergency  
23 grievance directly to the warden. Once  
24 I file directly to the warden I don't

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1 got to go through the other process  
2 of waiting for months to months to  
3 months to have an answer. Because  
4 once he signoff on it that's your  
5 answer as far as exhaustion purposes.  
6 And when I started doing that it got  
7 around the loophole where they stalling  
8 you out on grievances. And, yeah, he  
9 knew this.

10 Q. So how did Range retaliate against  
11 you?

12 A. Like I said, when I talked to  
13 him and asked him about the timeframe  
14 he intentionally wrote and had them  
15 rewrite the ticket after I talked to  
16 him about it. It's not like I -- I  
17 talked to him and had a long conversation  
18 with him, argued with him, about the  
19 procedure. So he said -- what he  
20 did was -- I know what to do for  
21 him since he fittin to get out. You  
22 can go rewrite it and make sure he  
23 don't get out of it.

24 Q. Range. R-a-n-g-e.

1 of paper back and she need me -- to  
2 have me resign some stuff.  
3 Q. Okay.  
4 A. I filed a grievance about that  
5 too. Because by him messing up, you know,  
6 he messed up my hearing situation for  
7 AD. So that hearing would be null and  
8 void.

9 Q. So how do you know that that  
10 was done in retaliation?

11 A. No, no, no. The ticket was  
12 done. The ticket was done in retaliation.

13 Q. How do you know?

14 A. He messed up. He messed up  
15 right there and the major stalled him.  
16 The major stalled him and he turned  
17 around right after that and say he  
18 discovered information that -- uh --  
19 since I'm still here at Stateville I'm  
20 still a leader even though I've been  
21 in AD six or seven months already.

22 This is what he did. He the  
23 one who came up with the ticket. He  
24 the one that came up. Because when I

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1 Now what about Joel Shaw. J-o-e-l.  
2 S-h-a-w. Why are you suing him?  
3 A. IA officer. He the one -- he  
4 was one of the ones that initiated the  
5 whole thing about me being a gang member.  
6 Or a gang leader. Not just a member, but  
7 a leader.

8 Q. And why do you believe that that  
9 was done out of retaliation?

10 A. Oh, this guy. When I was in  
11 -- when I was in the health care I was  
12 in AD. Now I already had the ticket  
13 expunged, but they still holding me  
14 in AD for the same ticket.

15 Now he came to my door to give  
16 me -- to get me to sign -- uh -- AD hearing  
17 paperwork, but the paperwork that he had  
18 me sign it was too close to the hearing.  
19 They supposed to did it a week ago, but  
20 he did it like within three days. So,  
21 yeah, he messed up.

22 Q. Okay.

23 A. Then the major came to my door  
24 talking about she need that piece

1 got the ticket beat, right, the ticket  
2 -- the grievance officer said that the  
3 ticket doesn't state what unauthorized  
4 STG activity took place.

5 So here's what they did. They  
6 rewrote me another ticket stating that  
7 I told somebody to do something and  
8 used the same exact confidential form  
9 stating it that was in the first  
10 ticket.

11 Q. How do you know that that was  
12 done in retaliation?

13 A. That was done specifically in  
14 retaliation because I beat their first  
15 ticket.

16 Listen, this is what I need  
17 to explain to you. Nobody here beats  
18 an IA ticket. Nobody. So when IA  
19 writes you a ticket you might as well  
20 pack your bags because you're being  
21 shipped. That's how they do things  
22 here.

23 When I beat that ticket --  
24 that's like a scar on their record

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1 when I beat that ticket. Because  
2 of their procedural loophole they  
3 was angry about that. Because,  
4 guess what, when I beat that ticket  
5 they didn't let me go. They didn't  
6 free me. They didn't give me my  
7 property back. They still held me.  
8 That right there is retaliatory. I  
9 beat the ticket.

10 Now if I beat the ticket they  
11 supposed to release me. They didn't.  
12 They didn't release me from seg. They  
13 held me in seg until they came up with  
14 another ticket.

15 Now if you read the rules. If  
16 I beat a ticket they supposed to restore  
17 me to the place they found me. They  
18 never done that. That's in the paperwork  
19 too. They never restored me to where  
20 they found me at. They still held he  
21 arbitrarily and then they told me to  
22 my face. Major McGarvey herself told  
23 me, oh, I don't believe you have got  
24 the full effects of such and such

1 why you're suing him in this  
2 lawsuit?

3 A. Yeah.

4 Q. What's the date of that ticket?  
5 A. That's the 11/7 one that was  
6 rewrote on 12/9.

7 Q. Of 2013?

8 A. Yes.

9 Q. Okay.

10 A. That's the one that I got found  
11 guilty on. I filed a grievance. It took  
12 them three months. Yeah, three months  
13 after to make sure I did the time to  
14 expunge it, but I already did seg time  
15 anyway.

16 Q. And that's the only reason  
17 why you have Tarry Williams's name  
18 in this lawsuit is because he signed  
19 off on the expungement for the 2013  
20 ticket?

21 A. And I spoke -- and I spoke to  
22 him the same way I talked to everybody  
23 else about the procedures and pointed  
24 out to him back when I first caught

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1 so we gonna hold you, but this is  
2 without a ticket.

3 Q. When did she say that to  
4 you?

5 A. She said that when I was on  
6 the AD wing in X-House in '13. Probably  
7 between '13. End of '13 and beginning  
8 of '14. This is before. This is before  
9 I went to the health care.

10 Q. Okay.

11 A. Because I protest. I went  
12 on a hunger strike even though I'm  
13 sick. I went on a hunger strike. Because  
14 I'm saying that here it is I beat this  
15 ticket and they ain't letting me go or  
16 give me my property. All that is done  
17 in retaliation.

18 Q. Why are you suing Tarry Williams?  
19 A. He was the one -- he as a matter  
20 of fact -- well, he the warden that signed  
21 off on the expungement of the ticket, but  
22 he never -- he never enforced his officer  
23 to let me go.

24 Q. So is that the only reason

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1 the ticket in 11, 11/7. So probably  
2 like -- umm -- in December sometime.  
3 I talked to him when he did rounds  
4 with the committee.

5 If it wasn't in December it  
6 was in January or February. I talked  
7 to him about why am I being prosecuted  
8 like this when the ticket was beyond  
9 the timeframe. I talked to him  
10 face-to-face and asked him why and  
11 never got a response.

12 Q. Why do you believe that him  
13 signing off on that ticket was done  
14 in retaliation?

15 A. Because, like I told you, from  
16 what Range told me that staff believed  
17 that I'm bullying them with their own  
18 rules.

19 Q. When did Range tell you that?

20 A. He told me that on more than  
21 one occasion. He told me that in '15.

22 Q. That was the first time he  
23 told you?

24 A. Yeah, he told me that after



<p>1 I went through all I went through. I      2 left and came back.      3 Because I talked to him      4 again. Because I asked him about      5 the ticket and I asked him to read      6 the ticket and could he tell me what      7 date does it say that I committed the      8 offense on. I already did the year      9 for it though. So I asked him. Just      10 talking to him because he got a legal      11 mind. I said, can you tell me what      12 date it states that I committed the      13 offense on or what the confidential      14 source say I committed the offense      15 on? He said, no, I can't tell you.</p> <p>16 Q. Did you have any other issues      17 with Williams after 2013?</p> <p>18 A. Probably the beginning of '14.</p> <p>19 Q. Was that when he signed the      20 ticket?</p> <p>21 A. When he authorized for it to      22 be expunged.</p> <p>23 Q. Okay. And that was the only      24 thing that you're claiming that he</p>	<p>1 A. No.      2 Q. Prior to that?      3 A. Yeah, '13. The 11/7 ticket he      4 presided over that one.      5 Q. Was that the only ticket that      6 he presided over?      7 A. Yes.      8 Q. Did you have any interaction      9 with him after the 11/7/13 ticket?      10 A. No. All before 11, 11/7.      11 Q. Okay.      12 A. As a matter of fact, you know,      13 he my cell house lieutenant that I was      14 writing up about the yard. I constantly      15 wrote him up about the yard. And when      16 I went to the Adjustment Committee I told      17 him it was beyond the timeframe. He told      18 me it all depends on who is counting the      19 days. That's what he said out of his      20 mouth. Then I knew something was funny.      21 Now I knew something was funny      22 about the ticket because when you get      23 a STG ticket nobody gets three months.      24 I knew something was wrong with the</p>
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<p>1 did?</p> <p>2 A. Well, yeah. Because I talked      3 to him specifically beforehand and he      4 still let it go through.</p> <p>5 Q. Okay.</p> <p>6 A. He still let it go through.      7 They dragged their feet on responding      8 to my grievance. Even the counselor      9 Alex Hall -- umm -- that's another.      10 That's another individual that I sued      11 too.</p> <p>12 Q. Okay.</p> <p>13 A. Because I just remembered his      14 name because you brought him up.</p> <p>15 Q. What about Clarence Wright, why      16 are you suing him?</p> <p>17 A. He was the one that gave me      18 -- he the one that presided over the      19 first ticket when he wasn't supposed      20 to.</p> <p>21 Q. On the Adjustment Committee?</p> <p>22 A. Yeah.</p> <p>23 Q. Would that have been the      24 June 2014 ticket?</p>
--

<p>1 whole scenario. Because when you get      2 a STG ticket they giving you a year      3 automatically. They giving you a      4 year.</p> <p>5 Q. Okay.</p> <p>6 A. So they gave me three months      7 and I'm like, well, why did I get three      8 months? That don't sound right. Everybody      9 I know that caught a STG ticket they got      10 a year.</p> <p>11 So when he gave me the      12 three months I started going through.      13 I started going through the rules.      14 I went through every rule in the 504      15 for discipline until I found out,      16 because I didn't know before.</p> <p>17 So I went piece by piece and      18 I went section by section reading every      19 single one. Bam, bam, bam, bam. Because      20 I got to F-3. I'm like here. Go right      21 here. This is why. It stated the 8-day      22 process. I was like, oh, this is it right      23 here.</p> <p>24 Q. Okay.</p>
--

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1 A. So this is how I know  
2 that this particular individual,  
3 Clarence Wright, because I'm also  
4 suing him for the crutch yard stuff.

5 Q. Okay. But in this case though  
6 the last thing that you -- it occurred  
7 in 11/7 of 2013, right?

8 A. Yes, he the one that found  
9 me guilty.

10 Q. Since then he didn't do  
11 anything out of retaliation towards  
12 you?

13 A. No, that right there was the  
14 retaliation.

15 Q. That was the only thing he ever  
16 did?

17 A. Yeah.

18 Q. Okay.

19 A. Because he retired after that.  
20 He knew he wasn't going to be around  
21 for the grievances once they started  
22 coming.

23 Q. W-r-i-g-h-t.

24 Aside from writing you

1 out of the blue just cancelled my medical  
2 permit, skipped my appointments at UIC,  
3 and you're going to Menard.

4 Q. This happened 11/7/2013?

5 A. Yes.

6 Q. Okay. Did you --

7 A. I want to tell you what  
8 happened. I left. They shipped me  
9 from 11/7/13 because see that's --  
10 that's also the retaliatory transfer  
11 and now the medical treatment. Because,  
12 you know, that's what that caused.

13 Now when they send me back  
14 two days later the -- uhh -- the officer  
15 at Menard -- because they put me in  
16 the infirmary.

17 So when I got there my  
18 blood pressure was out of control.  
19 I was way up there. It was 200 and  
20 something over like 120 something.  
21 So they like, no, we going to put  
22 him in the infirmary. I stayed in  
23 the infirmary for two days at Menard.  
24 The correctional officer came to my

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1 disciplinary tickets, sir, do you believe  
2 that there was anything else done out of  
3 retaliation?

4 A. Yeah.

5 Q. What?

6 A. He took my property. All of it.  
7 Q. When was that?  
8 A. 11/7/13 when he transferred me.  
9 He transferred me to Menard without  
10 my property. They took control of  
11 it. They had my property sent to  
12 personal property. The thing was I  
13 came back before they got a chance  
14 to ship the property. Before they even  
15 sent it. You know I came back before  
16 they even shipped the property to personal  
17 property. It was still in the cell house,  
18 in D-House, when I came back.

19 I left 11/7 on transfer. Even  
20 though, you know, I wasn't supposed to  
21 be transferred. I got UIC appointments  
22 to see a nephrologist. I'm already  
23 scheduled to see a nephrologist prior  
24 to me being transferred. So somebody

1 door and told me somebody messed up,  
2 they sending you back, but this is  
3 after I talked to medical staff.

4 Because once I got there and  
5 medical staff did the review and seen  
6 my blood pressure they like, oh, we  
7 not a grade one. We not a grade one  
8 health care. I'm going to talk to the  
9 medical director about you. Meaning  
10 the IDOC medical director. Because I  
11 wasn't supposed to even be there. I  
12 wasn't supposed to be shipped to  
13 Menard. But, see, I knew this ahead  
14 of time. I knew I wasn't supposed  
15 to be shipped because of my medical  
16 situation.

17 Q. Um-hmm.

18 A. So once I got there they  
19 held me in the infirmary. The officer  
20 came and told me somebody messed  
21 up and they sending you back.

22 Q. Okay.

23 A. So on a Saturday I got shipped  
24 back to Stateville. I got shipped back

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1 to Stateville on a Saturday. They never  
2 do shipments on Saturday unless it's  
3 very special. So I was special that  
4 day.

5 So on 11/9 -- on 11/9 I came  
6 back to Stateville on Saturday. Saturday.  
7 I left Menard Saturday morning like  
8 8:00 o'clock. A long drive all the  
9 way back to Stateville. Well, we  
10 stopped at Logan, or Lincoln, and  
11 then came to Stateville.

12 Now that's one issue about  
13 what happened to me, but my issue  
14 was when I came back. I still didn't  
15 have my property. They put me in  
16 the infirmary for two days over the  
17 holiday weekend and then that Tuesday  
18 they put me in X-House.

19 Q. And this was 11/9 of 2013?

20 A. Yes. And 11/12, three days  
21 later, they put me in X-House.

22 Q. Did you suffer any physical  
23 harm as a result of losing your property?

24 A. Yes.

1 2015 ticket?

2 A. Well, I was already on --  
3 I'm on dialysis now. So everything  
4 -- so everything is physical damage  
5 now.

6 Q. Was it resulting from the  
7 ticket you received in 2015?

8 A. It was resulting from the  
9 whole -- it was resulting from the  
10 whole situation. The whole totality  
11 of it that they gave me. That was  
12 a whole other year that I had to do  
13 in the cell.

14 Q. Just so I'm clear --

15 A. And I couldn't -- and no  
16 commissary. See, look. The thing  
17 without being -- they gave me a ticket  
18 and then they took my commissary  
19 privileges. I can't buy no food so  
20 I have to eat off the commissary. I  
21 mean not the commissary, but off the  
22 chow hall. That's another stuff that's  
23 harming me.

24 Because some days they'll

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1 Q. What?

2 A. Unrestrained blood pressure.  
3 Pounding headaches.

4 Q. As a result of your property  
5 being taken?

6 A. My property. The whole  
7 situation. The whole situation got  
8 my blood pressure elevated and out  
9 of control. And they came doing  
10 blood pressure checks twice a day  
11 and it was out of control.

12 Q. Did you suffer any physical  
13 injuries as a result of the ticket  
14 that you received in June 2014?

15 A. Yeah.

16 Q. What?

17 A. I lost weight. When I got  
18 to Pontiac I lost weight. I lost  
19 like 50 pounds. I lost like 50 pounds  
20 and my kidneys failed. My kidneys  
21 failed. Kidneys failed and that's  
22 when they had to put me on dialysis.

23 Q. Did you suffer any physical  
24 injuries as a result of the October

1 try to give me food that I'm not  
2 supposed to eat like lunch meat or  
3 this or that. Then I got to go  
4 through the stress of arguing with  
5 the COs about this ain't what I'm  
6 supposed to get. As if I'm bothering  
7 them.

8 Now they look at me like  
9 it's only one tray. They even made  
10 that comment. I wrote it up because  
11 they said that me just receiving that  
12 one tray wouldn't be harmful. I say  
13 all it takes is that one tray to make  
14 me have a stroke eating salty food,  
15 but they made it as if I was being  
16 a nuisance to them because I'm  
17 complaining about one tray. I'm not  
18 supposed to eat it.

19 Q. So what --

20 A. It brought my blood pressure  
21 up.

22 Q. What specifically caused your  
23 kidney failure?

24 A. Uncontrollable blood pressure.

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1 Q. And then what specifically  
 2 caused your blood pressure to be  
 3 uncontrollable?  
 4 A. Stress. The whole stress of  
 5 that whole situation. Stress of them  
 6 taking my property, bouncing me around,  
 7 harassing me.

8 Q. And when you say the whole  
 9 situation, sir, you mean what happened  
 10 on November 7th, 2013 through November 9th,  
 11 2013?

12 A. No, the whole situation. Meaning  
 13 from 11/7 to the time I got out of seg  
 14 in October of '15 or '16. That's what  
 15 I mean by the whole situation. It's  
 16 not no singular isolated. You know it's  
 17 altogether for me. It's not how you  
 18 look at it, but for me it's altogether.  
 19 Because from the beginning to the end  
 20 all of that to me was arbitrary,  
 21 everything. Everything that I went  
 22 through. Everything that they did  
 23 to me.

24 Q. Are you on blood pressure

1 Q. Can you explain how that  
 2 works?  
 3 A. You file a grievance. So  
 4 it depends on the situation how you  
 5 want to exhaust. There's a couple  
 6 of ways. I know two specific ways  
 7 you can exhaust. You could file  
 8 through the normal process or you  
 9 could file emergency grievances.

10 Q. If you want to file it through  
 11 the normal process how do you go about  
 12 doing that?

13 A. Give it to your counselor.  
 14 Wait for your counselor's response and  
 15 you forward it to the grievance officer.  
 16 They give you a response. You sign  
 17 that with the warden's signature  
 18 on it and you forward that to the  
 19 ARB. Then you wait for the ARB to  
 20 give you a response and you get  
 21 their response and then you exhausted  
 22 it once you get the ARB response.

23 Q. What if you go through the  
 24 emergency grievance?

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1 medication?

2 A. Yes, I am.

3 Q. And you're also receiving dialysis  
 4 right now?

5 A. Yes, now I am. I wasn't prior  
 6 to this. My kidneys was working. My  
 7 kidneys was working at a certain amount.  
 8 Once they pushed me over the edge that  
 9 killed all of that.

10 Q. Are you in kidney failure  
 11 still?

12 A. No, I'm on dialysis. Yeah,  
 13 you automatically -- it's still kidney  
 14 failure because -- uhh -- what you call  
 15 it? Because you go through end stage  
 16 renal disease. That's what it's called.

17 Q. Okay.

18 A. And then it's categories. It's  
 19 categories. I was at like one or two  
 20 when it started. By the time it finished  
 21 I was at the end on dialysis.

22 Q. Are you familiar with the system  
 23 for exhaustion?

24 A. Yes.

1 A. Now emergency grievance is  
 2 -- uhh -- you file an emergency grievance  
 3 directly to the warden. Once the warden  
 4 signoff on the grievance that level  
 5 -- that level is exhausted.

6 Now you forward that to the  
 7 ARB and whatever answer they give you  
 8 at the ARB that's exhaustive. Because  
 9 it's only about notice. Exhaustion  
 10 is only about notice. It's giving  
 11 them the opportunity to respond to  
 12 whatever your grievance is.

13 Q. If you file an emergency  
 14 grievance -- once you receive it back  
 15 from the warden do you ever forward  
 16 it to your counselor?

17 A. You don't have to. Per the  
 18 courts you don't have to.

19 Q. So once you receive the  
 20 emergency grievance response from  
 21 the warden you send it directly to  
 22 the ARB?

23 A. Yes, and that's -- that's a  
 24 set of a certain case law that

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1 state you could do that. I'll  
2 tell you the cases. Glick vs. Walker.  
3 Thornton vs. Snyder.  
4 Q. That's all right.  
5 A. No, I want you to know because  
6 I want it on the record.  
7 Q. Sure. Did any of the incidents  
8 that happened in November of 2013 stop you  
9 from filing grievances?  
10 A. No, they tried. They tried. That  
11 was their intention, but it didn't.  
12 Q. What about the ticket you  
13 received in June 2014, sir, does that  
14 prevent you from filing any further  
15 grievances?  
16 A. No.  
17 Q. Did the ticket you received  
18 in October of 2015 prevent you from  
19 filing further grievances?  
20 A. No, it was not -- it was not  
21 -- it was not a deterrent to me. Because  
22 I specifically knew what they was trying  
23 to do and why I was going through it.  
24 There's a difference.

1 (whereupon, Riley-ET Deposition  
2 Exhibit Nos. 1 and 2 were  
3 marked for identification.)  
4 BY MS. SHANNON:  
5 Q. Back on the record.  
6 I'm going to hand you what's been  
7 marked as Exhibit 1 for your deposition.  
8 A. Um-hmm.  
9 Q. Go ahead and you could take a  
10 look at that.  
11 A. Okay.  
12 Q. Do you recognize this document?  
13 A. Yes.  
14 Q. And then if you flip through all  
15 three pages. Do you recognize what this  
16 is?  
17 A. Yes, it's my grievance.  
18 Q. Is this your grievance that's  
19 dated June 15th, 2014?  
20 A. Yes.  
21 Q. And was this grievance written  
22 by you?  
23 A. Yes.  
24 Q. Did you write it on June 15th,

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1 Q. Still to this day are you able  
2 to file grievances whenever you have an  
3 issue that comes up?  
4 A. Yeah. Sometimes I get overwhelmed  
5 like, man, why do I have to keep going  
6 through this, you know?  
7 Q. What's the most recent grievance  
8 you filed?  
9 A. I don't remember. I don't  
10 remember.  
11 Q. Have you filed a grievance like  
12 within the past month?  
13 A. I think so. Yeah. Yeah, I  
14 did. It was for a ticket. As a matter  
15 of fact, yes, I did. It was for a  
16 ticket for unauthorized property.  
17 As a matter of fact I was just in  
18 C grade, B grade. I got a B grade  
19 for four days. Tuesday. So I'll  
20 be back in A grade.  
21 Q. Okay.  
22 A. Yeah.  
23 MS. SHANNON: Can we go off the record  
24 just for one second?

1 2014?  
2 A. Yes.  
3 Q. Is that your signature there in  
4 the middle of the page?  
5 A. Yes.  
6 Q. And then the first page of  
7 this exhibit. Have you ever seen this  
8 document before?  
9 A. Yeah.  
10 Q. What's this?  
11 A. It's the ARB response.  
12 Q. And this is the response to  
13 your June 15th, 2014 grievance from  
14 the ARB and this is dated May 21st,  
15 2015; is that right?  
16 A. Yeah.  
17 Q. What was the response that  
18 you received from the ARB?  
19 A. They basically denied my  
20 grievance.  
21 Q. Now if you flip to the second  
22 page here. It looks like the part for  
23 counselor's response is blank. Did  
24 you ever receive a counselor's response

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<p>1 to this grievance?</p> <p>2 A. No, this was sent directly to</p> <p>3 the ARB from Pontiac.</p> <p>4 Q. Did you discuss this issue</p> <p>5 with your counselor at all before you</p> <p>6 sent it to the ARB?</p> <p>7 A. No, because I got shipped to</p> <p>8 Pontiac. I didn't get a chance to file</p> <p>9 this grievance at Stateville. This</p> <p>10 grievance got sent to the ARB from</p> <p>11 Pontiac. So by being from Pontiac</p> <p>12 to another facility -- umm -- so it</p> <p>13 goes straight to the ARB.</p> <p>14 Q. Okay. So you never discussed</p> <p>15 it with a counselor at Stateville or</p> <p>16 Pontiac?</p> <p>17 A. No, I can't. See, look. Once</p> <p>18 you get transferred it clearly states</p> <p>19 on this grievance form, right, that if</p> <p>20 this grievance -- if this disciplinary</p> <p>21 report happen in another facility you</p> <p>22 should direct it to the ARB.</p> <p>23 Q. And you never sent it to a</p> <p>24 warden either before sending it off</p>	<p>1 your deposition. Do you recognize</p> <p>2 this document that I just handed</p> <p>3 you?</p> <p>4 A. Yes.</p> <p>5 Q. What's this?</p> <p>6 A. This is a grievance. Emergency</p> <p>7 grievance.</p> <p>8 Q. Is this the grievance dated</p> <p>9 October 19th, 2015?</p> <p>10 A. Yes.</p> <p>11 Q. And it's written by you?</p> <p>12 A. Yes.</p> <p>13 Q. And is that your signature in</p> <p>14 the middle of the page on the second</p> <p>15 page?</p> <p>16 A. Yes.</p> <p>17 Q. And page one of this exhibit,</p> <p>18 sir, have you seen this document before?</p> <p>19 A. Yeah.</p> <p>20 Q. What's this?</p> <p>21 A. It's the ARB response.</p> <p>22 Q. Do you recall receiving this</p> <p>23 ARB response?</p> <p>24 A. Yeah.</p>
101	103

1 to the ARB?

2 A. Not this grievance, no.

3 Q. Okay.

4 A. Because what I did was I

5 wrote to the ARB and asked them did

6 they receive any of the grievances.

7 Because I -- I forward it also.

8 Because my thing is I got

9 transferred on, what, the same day

10 that they heard the ticket. I wrote

11 this the same day. I wrote this

12 grievance the same day I got the

13 ticket and they came two or three days

14 later and gave me a hearing and then

15 shipped me. They also took my property

16 too. This was wrote off to DOME in

17 the cell with nothing but a state

18 pen. No paperwork. No nothing.

19 Q. All right. We are done

20 with this. Could you give that back

21 to the court reporter?

22 A. Okay.

23 Q. I'm going to show you next

24 what's been marked as Exhibit 2 for

1 Q. Did you do anything with it

2 after you got this response back from

3 the ARB?

4 A. No.

5 Q. And do you see in the middle

6 it says additional information required

7 and they checked the boxes for provide

8 a copy of your written offender's

9 grievance, DOC0046 including the

10 counselor's response if applicable?

11 Did you ever do that?

12 A. No.

13 Q. And then the next box they

14 checked off was provide a copy of

15 the response to offender's grievance,

16 DOC0047, including the grievance

17 officer and chief administrative

18 officer's response to appeal. Someone

19 wrote in it's timely. Did you ever

20 do that?

21 A. No, because this is what they

22 call extra hoops that I didn't have to

23 jump through, because it's an emergency

24 grievance.



1 Q. Okay.  
 2 A. Like I told you before, the  
 3 whole process is just to give them  
 4 notice. Once the warden signoff on  
 5 it on that level he has responded.  
 6 Once the ARB give you their response,  
 7 whatever it is, they have responded.  
 8 Because you gave them notice too.

9 Q. So after you finished writing  
 10 this grievance on October 19th, 2015,  
 11 what did you do with it?

12 A. I forwarded it to -- I forwarded  
 13 it to the -- to put it in the mail to go  
 14 to the warden.

15 Q. Was that the institutional  
 16 mail?

17 A. Yes. I set it in on my bars.

18 Q. And you checked the box in the  
 19 middle for emergency?

20 A. Yes.

21 Q. Prior to that you did not  
 22 discuss this issue with your counselor,  
 23 right?

24 A. No. It's an emergency

1 Glick vs. Walker and Thornton vs. Snyder,  
 2 they do not get a second chance at a  
 3 grievance once the warden has signed off  
 4 on it. Because the warden is the highest  
 5 official. The chief administrative officer  
 6 in the facility. Once he signoff on  
 7 it I do not have to resubmit it, even  
 8 though they say resubmit it. The court  
 9 has already ruled on this. That's why I  
 10 did this process this way.

11 Q. Okay. After you received the  
 12 emergency review response from the warden --

13 A. Yes.

14 Q. -- did you ever at any point send  
 15 it to the grievance officer?

16 A. No.

17 Q. Did you ever send it to the warden  
 18 again before you sent it to the ARB?

19 A. No, because the signature is  
 20 already on it. I don't have to.

21 Q. So you never received a warden's  
 22 response to this grievance aside from the  
 23 emergency review portion?

24 A. That's the response. Because

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1 grievance and you don't have to  
 2 discuss your emergency grievances  
 3 with the counselor.

4 Q. I'm asking you to try to  
 5 make a record of exactly your process,  
 6 okay?

7 A. Okay. My process is -- I  
 8 tell you exactly what my process was.  
 9 I wrote a grievance. I checked the  
 10 box emergency. I put it in an envelope  
 11 titled to the warden and put emergency  
 12 grievance on the envelope. I forwarded  
 13 it to Warden Pfister. Warden Pfister  
 14 responded with his signature stating  
 15 that it's not an emergency. I took  
 16 that and I made a copy. I kept my  
 17 copy and forwarded it to the ARB, which  
 18 is the emergency grievance. I  
 19 forwarded that to the ARB. The ARB  
 20 in return sent me this response  
 21 stating what I needed per their  
 22 procedural process.

23 But like I told you before,  
 24 according to the Seventh Circuit,

1 there's nobody else here higher than  
 2 the warden. Even if I resubmit it.  
 3 Even if I resubmit it to the counselor  
 4 the warden had already gave a specific  
 5 response to the grievance.

6 Q. To the emergency review  
 7 portion?

8 A. But what I'm saying is he  
 9 read it. He read and saw what it  
 10 consisted off. That's his response.  
 11 See, I wish -- I wish I would have  
 12 brung the cases specifically to show  
 13 you how the court rules on it.

14 Q. So if you look at this  
 15 grievance.

16 A. Um-hmm.

17 Q. The warden signed off on  
 18 the emergency review portion indicating  
 19 no.

20 A. Not -- no. An emergency is not  
 21 substantiated.

22 Q. Right.

23 A. Offender should submit this  
 24 grievance in the normal manner.

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1 That's the second. That's the second  
2 go-round.  
3 Q. And you did not do that?  
4 A. No. No, I did not because  
5 that's the second round. No, I did  
6 not.  
7 Q. That's my question.  
8 A. No, I did not.  
9 Q. Okay.  
10 A. Because --  
11 Q. That's fine.  
12 A. I can't answer that? That's  
13 part of my answer. I can't answer  
14 that? Well, I'm fittin to say something  
15 else.  
16 Q. The question only required --  
17 A. So now you cutting me off  
18 when I try to answer.  
19 Q. Go ahead.  
20 A. I'm giving you my reasoning on  
21 why I didn't do it.  
22 Q. Go ahead.  
23 A. Because you won't let me finish.  
24 The reason why I didn't resubmit it

1 A. Yeah.  
2 Q. How much money?  
3 A. Say \$20,000. And, you know,  
4 the fact that I lost my kidney function.  
5 I still got high blood pressure and about  
6 to die.  
7 Q. All right. That's all the  
8 questions that I have for you today.  
9 A. Okay.  
10 Q. So I just want to go over  
11 with respect to the transcript of  
12 the deposition that the court reporter  
13 took down.  
14 Sir, you have the option to  
15 reserve signature.  
16 A. Um-hmm.  
17 Q. In which case I would send you  
18 a copy of the transcript and you would  
19 have 30 days to review it for clerical  
20 errors only. You can't make any  
21 substantive changes and then you would  
22 send it back.  
23 Or if you trust that she  
24 took down everything accurately, sir,

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1 was because I wasn't required to. See  
2 once he signoff on it it's not required  
3 for me to resubmit it. Even though  
4 they say it in their procedures, you  
5 know, the court say I don't have to  
6 give them a second shot at the grievance.  
7 Q. Okay. For the record,  
8 Exhibit 1 was Bates stamped IDOC 86101  
9 through 102. And Exhibit 2 is Bates  
10 stamped 45 through 47. And if you  
11 could go ahead and hand that back to  
12 the court reporter, please.

13 A. Okay.  
14 Q. Can you tell me what type of  
15 relief you're seeking from this case?  
16 A. I want the disciplinary reports  
17 expunged. I want the harassment to  
18 stop. I want my property replaced  
19 or compensated for my property. What  
20 else? And any other relief the court  
21 deems proper and right.  
22 Q. Are you seeking --  
23 A. Or just.  
24 Q. Are you seeking monetary damages?

1 then you could waive your signature  
2 and we'll be done with it.  
3 A. Um-hmm.  
4 Q. So it's up to you if you would  
5 like to reserve your signature or waive  
6 your signature.

7 A. I want to reserve because I  
8 want to review it.  
9 MS. SHANNON: Okay. That's it. Send  
10 me the letter and I'll provide it to  
11 Mr. Riley-E1.

12 THE COURT REPORTER: Okay.  
13 (DEONENT SAITH NAUGHT.)  
14 (whereupon, the proceedings  
15 concluded at 1:14 p.m.)

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1 IN THE UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF ILLINOIS  
3 EASTERN DIVISION  
4  
5 WILLIAM D. RILEY-EL, )  
6 Inmate No. B-03069, )  
7 Plaintiff, )  
8 vs. ) No. 15 CV 11180  
9 SALVADOR GODINEZ, )  
10 et al., )  
11 Defendants. )

12 I, WILLIAM D. RILEY-EL, being first  
13 duly sworn, on oath say that I am the  
14 deponent in the aforesaid deposition  
15 taken on the 21st day of September 2018;  
16 that I have read the foregoing transcript  
17 of my deposition, and affix my signature  
18 to same.

19  
20 WILLIAM D. RILEY-EL  
21 Subscribed and sworn to  
22 before me this day  
23 of , 2018  
24 Notary Public

1 to typewriting by Computer-Aided Transcription,  
2 and the foregoing is a true and correct  
3 transcript of the testimony so given by  
4 said witness as aforesaid.

5 I further certify that the signature  
6 to the foregoing deposition was reserved  
7 by counsel for the respective parties and  
8 that there were present at the deposition  
9 the attorneys hereinbefore mentioned.

10 I further certify that I am not  
11 counsel for nor in any way related to the  
12 parties to this suit, nor am I in any way  
13 interested in the outcome thereof.

14 IN TESTIMONY WHEREOF: I have hereunto  
15 set my hand and affixed my notarial seal this  
16 28th day of September, 2018.

17  
18 *Dawn C. Evers*  
19

20 ILLINOIS CERTIFIED SHORTHAND REPORTER  
21  
22  
23  
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1 STATE OF ILLINOIS )  
2 ) SS:  
3 COUNTY OF COOK )  
4 I, Dawn C. Evers, a notary public within  
5 and for the County of Cook County and State of  
6 Illinois, do hereby certify that heretofore,  
7 to-wit, on September 21st, 2018, personally  
8 appeared before me, at 16830 South Broadway  
9 Street, Crest Hill, Illinois, WILLIAM D.  
10 RILEY-EL, Inmate No. B-03069, in a cause now  
11 pending and undetermined in the United States  
12 District Court for the Northern District  
13 of Illinois, Eastern Division, wherein  
14 WILLIAM D. RILEY-EL, is the Plaintiff,  
15 and SALVADOR GODINEZ, et al., are the  
16 Defendants.

17 I further certify that the said  
18 WILLIAM D. RILEY-EL, Inmate No. B-03069,  
19 was first duly sworn to testify the truth,  
20 the whole truth and nothing but the truth  
21 in the cause aforesaid; that the testimony  
22 then given by said witness was reported  
23 stenographically by me in the presence  
24 of the said witness, and afterwards reduced

1 McCorkle Litigation Services, Inc.  
2 200 N. LaSalle Street, Suite 2900  
3 Chicago, Illinois 60601  
4 September 28th, 2018  
5 Office of the Attorney General  
6 Ms. Colleen M. Shannon  
7 c/o William D. Riley-El  
8 100 W. Randolph St., 13th Floor  
9 Chicago, Illinois 60601  
10 IN RE: Riley-El vs. Godinez, et al.  
11 COURT NUMBER: 15 CV 11180  
12 DATE TAKEN: 9-21-18  
13 DEPONENT: William Riley-El, Inmate No. B-03069  
14  
15 Dear Ms. Shannon:

16 Enclosed is the deposition transcript for the  
17 aforementioned deponent in the above-entitled  
18 cause. Also enclosed are additional signature  
19 pages, if applicable, and errata sheets.  
20 Per your agreement to secure signature, please  
21 submit the transcript to the deponent for review  
22 and signature. All changes or corrections must  
23 be made on the errata sheets, not on the  
24 transcript itself. All errata sheets should be  
signed and all signature pages need to be signed  
and notarized.  
After the deponent has completed the above,  
please return all signature pages and errata  
sheets to me at the above address, and I will  
handle distribution to the respective parties.

If you have any questions, please call me at  
the phone number below.  
Sincerely,

Cindy Alicea Court Reporter Present:  
Signature Department Dawn C. Evers  
Calicea2@mcddeps.com

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<b>Exhibits</b>	<b>2</b>	<b>8</b>	<b>Alex</b>	<b>authorized</b>	<b>bothering</b>
<b>Deposition Exhibit</b>			<b>82:9</b>	<b>21:24 22:6 63:16</b>	<b>92:6</b>
<b>1</b>	<b>99:2 102:24 110:9</b>		<b>allegations</b>	<b>81:21</b>	<b>bottom</b>
<b>3:12 99:7 110:8</b>			<b>19:19</b>	<b>42:23</b>	
<b>Deposition Exhibit</b>	<b>20</b>	<b>22:5,8,23 23:5 24:6</b>	<b>alleged</b>	<b>bounced</b>	
<b>2</b>	<b>22:12,13 24:17,23</b>	<b>8-day</b>	<b>19:8 44:17</b>	<b>17:7</b>	
<b>3:13 102:24 110:9</b>	<b>28:18 37:13,18</b>	<b>86:10</b>	<b>allergies</b>	<b>bouncing</b>	
<b>\$</b>	<b>200</b>	<b>110:8</b>	<b>6:1</b>	<b>93:6</b>	
<b>\$20,000</b>	<b>8:19</b>	<b>8:00</b>	<b>allergist</b>	<b>box</b>	
<b>111:3</b>		<b>89:8</b>	<b>65:2</b>	<b>104:13 105:18</b>	
<b>0</b>			<b>allowed</b>	<b>108:10</b>	
<b>03</b>	<b>2002</b>	<b>39:15</b>	<b>39:15</b>	<b>boxes</b>	
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IN THE

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS.

EASTERN DIVISION

William D. Riley EL B03069

Plaintiff,

v.

Salvador Godinez et al.

Defendant

)  
Case No. K5 CV 11180  
) Honorable Judge John Z. Lee  
) Magistrate Judge Young B. Kim

PROOF/CERTIFICATE OF SERVICE

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PLEASE TAKE NOTICE that on May 24 2019, I have placed the documents listed below in the institutional mail at Stateville Correctional Center, properly addressed to the parties listed above for mailing through the United States Postal Service: E-filing in the Law Library

Pursuant to 28 USC 1746, 18 USC 1621 or 735 ILCS 5/1-109, I declare, under penalty of perjury, that I am a named party in the above action, that I have read the above documents, and that the information contained therein is true and correct to the best of my knowledge.

DATE: 5/24/19

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1st William D. Riley EC @m

NAME: William D. Riley EC @m

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